

# **RULES OF THE SENATE**

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## RULES OF THE SENATE

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### RULES OF THE SENATE

#### Time of Meeting and Procedure

**Rule 1.** The time of meeting by the senate, unless otherwise ordered, shall be 10:00 o'clock.

**Rule 2.** The president shall take the chair every day at the hour to which the senate has previously adjourned and shall call the senate to order, and after prayer by the chaplain, shall cause the journal of the preceding day to be read unless dispensed with by consent of the senate. Every person within the senate chamber shall remain standing during the prayer of the chaplain.

#### Order of Business and Procedure Thereunder

**Rule 3.** The business of the senate shall be disposed of in the following order:

1. Reading Journal.
2. Introduction of guests.
3. Petitions, memorials and remonstrances.
4. Resolutions.
5. Concurrent Resolutions.
6. Introduction of bills.
7. Reports of standing committees.
8. Reports of select committees.
9. Second reading of Senate bills.
10. Messages from House.
11. First reading of House bills.
12. House bills on second reading.
13. Third reading of Senate bills.
14. Bills, reports and other bills on the table, including bills for perfection.
15. House bills on third reading.
16. Order of the day.
17. Introduction of guests.
18. Announcement of committee meetings, etc.

**Rule 4.** The president shall, on each day, announce the business in order agreeable to the preceding rule and no business shall be taken up or considered until the class to which it belongs is declared in order, but communications from the governor and reports from the Committee on Rules, Joint Rules, Resolutions, and Ethics may be received at any time.

**Rule 5.** The secretary, at the close of each day, shall prepare a journal setting forth the actions of the senate in the order in which they occur, record the yeas and nays on any question, and deliver them to the senate before its next meeting.

**Rule 6.** Upon the written request of the sponsor or floor handler of a bill, the committee on rules, joint rules, resolutions, and ethics may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee on rules, joint rules, resolutions, and ethics with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. Except as otherwise provided for in this

paragraph, only the regular appropriation bills, including the deficiency and the omnibus bills, bills providing for legislative or congressional redistricting, bills producing more than three million dollars in additional state revenue, bills implementing amendments to the Missouri Constitution which were adopted at the immediately preceding state primary or general election, and bills requiring passage in order that the state receive funds from the federal government for the institution, continuance or expansion of federal-state programs, may be called up or considered out of the order in which the bill appears on the formal calendar of the senate.

All bills reported to the senate floor by the Committee on Governmental Accountability and Fiscal Oversight shall be placed on the appropriate formal calendar in a position, as near as may be, to that position which the bill would have had absent referral to the Committee on Governmental Accountability and Fiscal Oversight.

### **Call of the Senate**

**Rule 7.** Upon the call of the senate, or upon taking the yeas and nays on any question, the names of the senators shall be called alphabetically, and a senator within the chamber shall vote when his or her name is called. No senator shall be allowed to cast or change his or her vote after yeas and nays have been announced by the president. In the event a senator within the chamber refuses to cast his or her vote, then at the direction of the president he or she shall be removed from the chamber and such action noted in the journal.

**Rule 8.** Upon the call of the senate, the names of the senators shall be called by the secretary and the absentees noted, after which the names of the absentees may again be called. Those absent senators from whom no sufficient excuses are made may, by order of a majority of those present, if ten in number, be taken into custody as they appear, or be sent for and taken into custody wherever found by the sergeant-at-arms, or other person appointed by the senate for that purpose, at the expense of such absent senators or senator, respectively, unless such excuse for nonattendance shall be made as the senate, when a quorum is convened, shall judge sufficient.

### **Powers and Duties of the Officers of the Senate**

**Rule 9.** The lieutenant governor shall be ex officio president of the senate. In committee of the whole, he may debate all questions, and shall cast the deciding vote on equal division in the senate and on joint vote of both houses. (Constitution Art. IV, Sec. 10.)

**Rule 10.** The president pro tem shall be parliamentarian of the senate and may decide all points of order, and in his absence such points of order may be decided by the chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, except in either case, the point of order may be referred by the then acting parliamentarian, to the Committee on Parliamentary Procedure for consideration and determination. All rulings on points of order shall be subject to an appeal to the senate and all questions and points of order shall be noted by the secretary with the decision thereon. (See also Rule 27.)

**Rule 11.** Questions shall be distinctly put in this form: "As many as are of the opinion that (as the question may be) say 'aye'", and after the affirmative vote is expressed: "Those of the contrary, say 'no'". If the chair doubts or division is called for by two or more senators, the senate shall divide. Those in the affirmative on the question shall first rise from their seats, and afterwards those in the negative.

**Rule 12.** All committees listed in Rule 25 shall be appointed by the president pro tem of the senate, except as otherwise provided. The minority party members shall be chosen by the minority party in the manner determined by the minority party caucus.

At the beginning of each session the caucus chairman of the minority party may file with the secretary of the senate a statement setting forth the method by which minority party members are to be appointed as determined by the minority party caucus, but if no such statement is filed, the minority party members shall be appointed to committees by the minority floor leader.

**Rule 13.** The president pro tem shall be chosen by the senate, and if the president pro tem so chosen is absent, or his office vacant, the senate may proceed to elect an interim president pro tem to hold the office during such absence or other incapacity, at the pleasure of the senate.

**Rule 14.** The president pro tem shall sign all acts, joint resolutions and addresses. All writs, warrants and subpoenas issued by order of the senate shall be under his or her hand attested by the secretary.

**Rule 15.** In case of disturbance or disorderly conduct in the lobby or galleries, the president has the

power to order the same cleared; and has general control of the senate chamber, unless otherwise ordered.

**Rule 16.** Stenographers and reporters wishing to take down the debates and proceedings of the senate may be admitted by the president pro tem to the reporters' table on the floor of the senate for that purpose, and under such further regulations as the senate may prescribe, but no persons, including members of the senate, other than members of the press, shall be permitted to sit at the press table while the senate is in session.

**Rule 17.** Subject to the unanimous approval of the president pro tem and the majority and minority floor leaders as to time and duration, live or taped news media broadcasts of sessions of the senate may be made by broadcast media representatives. Reporters and technicians to effectuate such broadcasts or taping may be admitted to the chamber for this purpose, but no apparatus or procedure shall be used which will interfere with the usual procedure of the senate. All recording or broadcasting shall be done from areas reserved or set aside for such activities by news media representatives by the president pro tem.

**Rule 18.** It is the duty of the secretary to keep an exact Journal of the proceedings of the senate and he shall, from time to time, be subject to further orders as the senate may direct. It shall be sufficient in recording action on bills by the senate for the Journal to refer to them by number only, except when the bills are presented for the first time, or when final action is taken on third reading, in which case the title shall be set out in full.

**Rule 19.** When a bill or joint resolution passes it shall be certified by the secretary, noting the day of its passage.

**Rule 20.** When a motion is made for an amendment to any bill or resolution, the mover's name shall be inserted in the Journal.

**Rule 21.** The secretary shall see that all amendments and substitutes are incorporated in any bill amended or substituted for when printed as perfected or truly agreed to, and shall perform such other duties as may be required by the Committee on Rules, Joint Rules, Resolutions, and Ethics.

**Rule 22.** It is the duty of the sergeant-at-arms to attend the senate during its sittings, to keep order in the lobby, to require all persons therein to be seated, and to execute the commands of the senate and the orders of the president, together with all such process issued by authority thereof as shall be directed to him by the president, and he shall, five minutes before the opening of each session, clear the floor of the senate chamber of all persons not entitled to the privilege of the floor, and he shall at all times keep all persons from using or occupying the seats or desks furnished for the use of the members of the senate.

**Rule 23.** The senate chamber shall not be used during any session by any committee or committees or gathering of any kind unless the unanimous consent of the members has first been obtained.

**Rule 24.** It is the duty of the doorkeeper to obey the orders of the senate and its presiding officer.

**Rule 25.** The president pro tem of the senate shall appoint the following standing committees:

1. Committee on Administration, 5 members.
2. Committee on Agriculture, Food Production and Outdoor Resources, 7 members.
3. Committee on Appropriations, 9 members.
4. Committee on Commerce, Consumer Protection, Energy and the Environment, 9 members.
5. Committee on Education, 9 members.
6. Committee on Financial and Governmental Organizations and Elections, 9 members.
7. Committee on General Laws, 9 members.
8. Committee on Governmental Accountability, 5 members.
9. Committee on Gubernatorial Appointments, 9 members.
10. Committee on Health, Mental Health, Seniors and Families, 7 members.
11. Committee on Jobs, Economic Development and Local Government, 9 members.
12. Committee on the Judiciary and Civil and Criminal Jurisprudence, 7 members.
13. Committee on Progress and Development, 5 members.
14. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.

15. Committee on Small Business, Insurance and Industry, 7 members.
16. Committee on Transportation, 9 members.
17. Committee on Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs, 7 members.
18. Committee on Ways and Means and Fiscal Oversight, 5 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

**Rule 26.** The membership of all standing committees and of all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. The president pro tem, the majority floor leader, and the minority floor leader shall be ex-officio members of all standing and statutory committees of the senate for the purpose of a quorum and discussion but shall have no vote unless they are duly appointed members of such committee.

**Rule 27.** The Committee on Parliamentary Procedure shall be composed of three members: the president pro tem, the chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, and the minority floor leader.

### **Duties of the Committees**

**Rule 28.** The duties of the standing committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Agriculture, Food Production and Outdoor Resources shall consider and report upon bills and matters referred to it relating to animals, animal disease, pest control, agriculture, food production, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

3. The Committee on Appropriations shall consider and report upon all bills and matters referred to it pertaining to general appropriations and disbursement of public money.

4. The Committee on Commerce, Consumer Protection, Energy and the Environment shall consider and report upon bills and matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, telecommunications and cable issues, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental preservation.

5. The Committee on Education shall consider and report upon bills and matters referred to it relating to education in the state, including the public schools, libraries, programs and institutions of higher learning.

6. The Committee on Financial and Governmental Organizations and Elections shall consider and report upon bills and matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also consider and report upon bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus

and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider and report upon bills and matters referred to it relating to election law.

7. The Committee on General Laws shall consider and report upon bills and matters referred to it relating to general topics.

8. The Committee on Governmental Accountability shall review, study, and investigate all matters referred to it relating to the application, administration, execution, and effectiveness of all state laws and programs, the organization and operation of state agencies and other entities having responsibility for the administration and execution of state laws and programs, and any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation to improve the efficiency of any state law or program. Any findings of the committee may be reported to the senate and the Committee on Appropriations. The committee shall also consider and report upon bills and matters referred to it relating to improving governmental efficiency and management.

9. The Committee on Gubernatorial Appointments shall consider and report upon gubernatorial appointments referred to it.

10. The Committee on Health, Mental Health, Seniors and Families shall consider and report upon bills and matters referred to it concerning health, MO HealthNet, alternative health care delivery system proposals, mental health, developmental disabilities, and substance abuse and addiction. It shall also consider and report upon bills and matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, and family and children's issues. It shall also consider and report upon bills and matters referred to it concerning income maintenance, social services, child support enforcement, public health, disease control, and hospital operations.

11. The Committee on Jobs, Economic Development and Local Government shall consider and report upon bills and matters referred to it relating to the promotion of economic development, the creation and retention of jobs, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.

12. The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider and report upon bills and matters relating to the judicial department of the state including the practice of the courts of this state, civil procedure and criminal laws, criminal costs and all related matters. The Committee shall also consider and report upon bills and matters referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

13. The Committee on Progress and Development shall consider and report upon bills and matters referred to it concerning the changing or maintenance of issues relating to human welfare.

14. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon bills and matters referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

15. The Committee on Small Business, Insurance and Industry shall consider and report upon bills and matters referred to it relating to the ownership and operation of small businesses; and life, accident, indemnity and other forms of insurance. The committee shall also take into consideration and report on bills relating to

labor management, fair employment standards, workers' compensation and employment security within the state and shall examine bills referred to it relating to industrial development.

16. The Committee on Transportation shall consider and report upon bills and matters referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles, motor vehicle registration and drivers' licenses.

17. The Committee on Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs shall consider and report upon bills and matters concerning veterans' affairs. The committee shall also consider and report upon bills and matters referred to it concerning issues of statewide or immediate concern, retirement, pensions and pension plans; and urban renewal, housing and other matters relating to urban areas.

18. The Committee on Ways and Means and Fiscal Oversight shall consider and report upon bills and matters referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming. The Committee on Ways and Means and Fiscal Oversight shall also consider and report upon all bills, except regular appropriation bills, that require new appropriations or expenditures of appropriated funds in excess of \$100,000, or that reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Ways and Means and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Ways and Means and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Ways and Means and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Ways and Means and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Ways and Means and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted, the bill shall again be referred to the committee on Ways and Means and Fiscal Oversight.

**Rule 29.** 1. Senate offices and seats in the senate chamber shall be assigned by the committee on administration to the majority and minority caucuses. Each caucus shall make office and senate seat assignments on the basis of seniority as defined in this rule, unless otherwise determined within a caucus, except that Rooms 326 and 327 shall be known as the president pro tem's office and shall be occupied by the senate's president pro tem. Upon retirement from service as pro tem, that senator shall vacate the pro tem's office and shall have first choice of available vacant offices of his caucus, regardless of his seniority status. Except for the outgoing president pro tem, who is required to vacate the designated pro tem's office, no senator shall be required to relinquish any office or seat once assigned to him.

2. Seniority shall be determined by each caucus on the basis of length of service. Length of service means:

- (a) Continuous senate service;
- (b) In the case of equal continuous senate service, prior non-continuous senate service;
- (c) In the case of equal continuous and prior non-continuous senate service, prior house service.

3. When two or more members of the same party have the same length of service, their respective seniority shall be determined by their party caucus.

**Rule 30.** A senator appointed to a committee may resign at any time by leave of the senate.

**Rule 31.** 1. The standing committees of the senate on Administration, Appropriations, and such other committees as the president pro tem shall designate, may function within the state unless otherwise approved by the president pro tem during the interim between the end of the first regular session and the commencement of the second regular session, at such times and places as are considered necessary to consider bills and other matters referred to them, to hold hearings, hear testimony, receive evidence, make

such studies as are deemed necessary and to perform any other necessary legislative function pertinent to their respective powers and duties.

2. The actual and necessary expenses of each committee functioning during the interim pursuant to the provisions of this rule, and the expenses of its members and the research and clerical personnel assigned to it incurred in attending meetings of the committee or of any subcommittee thereof, shall be paid from the senate contingent fund upon the approval of the chairman of the committee on administration and the president pro tem of the senate.

### **Reports of Committees**

**Rule 32.** Reports of special or standing committees of the senate relating to appropriations, expenditures or improper use of money, and senate reports relating to the duties of management of any board of managers, directors, trustees or agents of any of the educational and eleemosynary institutions of the state, or of any state officer or coordinate branch of the state government, shall without further order be printed in the appendix of the Journal.

**Rule 33.** No report of a committee of conference, or any house amendment to a senate bill shall be declared adopted without the assent of the majority of all the senators elected, and the yeas and nays taken thereon and entered upon the Journal.

**Rule 34.** When motions are made to refer any subject and different committees are proposed, the question of reference shall be in the following order: a Standing Committee, a Select Committee, the Committee of the Whole.

**Rule 35.** No committee shall sit during the sitting of the senate without special leave.

### **Committee of the Whole**

**Rule 36.** It shall be a standing order of the day through the session for the senate to resolve itself into a Committee of the Whole.

**Rule 37.** In forming the Committee of the Whole, the president pro tem of the senate shall appoint a chairman to preside.

**Rule 38.** Upon a bill being committed to the Committee of the Whole, it shall be read by the secretary and then read and debated by clauses or sections, as determined by the committee, leaving the preamble to be considered last. After the report, the bill shall be subject to be debated and amended by clauses or sections before a vote on the question to perfect and print it is taken.

**Rule 39.** All amendments made to an original motion in committee shall be incorporated with the motion and so reported.

**Rule 40.** All amendments made to reports, resolutions and other matters committed to Committee of the Whole shall be noted and reported as in all cases of a bill.

**Rule 41.** The rules and proceedings of the senate shall be observed in Committee of the Whole insofar as they are applicable.

**Rule 42.** A majority of the senators elected shall be a quorum to do business and if the committee finds itself without a quorum, the chairman shall cause the roll of the senate to be called, and thereupon the committee shall rise, the president resume the chair and the chairman report the cause of rising of the committee and the names of the absentees to the senate shall be entered in the Journal.

**Rule 43.** A motion for the rising of the Committee of the Whole is always in order, unless a member of the committee is speaking or a vote is being taken and shall be decided without debate.

### **Legislative Procedure for Enactment of Bills**

**Rule 44.** Beginning on July first of each year, members and members-elect may deposit bills and joint resolutions for the next regular session with the secretary of the senate at any time. The secretary shall hold the bills and joint resolutions so deposited in the order filed. After the close of business on December first, the secretary shall assign numbers to bills and joint resolutions deposited in that office by seniority of the member first signing the measure, with a limit of three bills or joint resolutions per rotation of the seniority list from the total number of measures deposited. All measures deposited through December first shall stand as pre-filed without further action by the member or member-elect. At the close of business on each day thereafter until

the opening day of the session, bills and joint resolutions received during the day shall be assigned numbers in the same manner, that is, by seniority from the total number of measures filed each day, with a limit of three bills or joint resolutions per rotation of the seniority list.

Once filed, bills and joint resolutions shall not be changed except to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitutions be made therefor. Any bill may be withdrawn but the number shall not be reassigned once a number has been given.

Seniority for the purposes of this rule shall be determined as follows:

(1) Continuous senate service;

(2) In the case of equal continuous senate service, majority party members shall have seniority over minority party members;

(3) In the case of equal continuous senate service by members of the same party, prior non-continuous senate service;

(4) In the case of equal continuous and prior non-continuous senate service by members of the same party, prior house service;

(5) In the case of equal continuous and equal prior non-continuous senate service and equal prior house service by members of the same party, seniority shall be determined by the caucus of that party.

**Rule 45.** There shall be a senate consent calendar. The sponsor of a senate bill shall first give notice of desire to have a bill placed upon the senate consent calendar by filing in writing, with the chairman of the committee to which the bill was referred, a notice of intent one day prior to a committee hearing. The notice of intent shall set forth the nature of the legislation, the fact that it is not a controversial bill, and a request that the senate committee recommend that the bill be placed upon the consent calendar. A bill shall not be considered as consent if it increases net expenditures of the state by more than \$100,000, reduces net revenue of the state by more than \$100,000, increases an existing civil or criminal penalty or if it creates a new civil or criminal penalty. The bill will go to the senate consent calendar if, a quorum being present, it receives a unanimous affirmative vote of do pass by all members present at the senate committee to which the bill was referred, and there is thereafter a motion made and unanimously carried by affirmative vote of all those present that it be placed upon the consent calendar. Any bill approved by committee, for consent, may be reported to the consent calendar at any time the Senate goes to the order of business of committee reports. When a bill is placed upon the consent calendar, third reading shall not commence until the fifth legislative day. During this four-day period, starting with the first day the bill appears on the consent calendar in the Journal any member or the Committee on Rules, Joint Rules, Resolutions, and Ethics may, by filing written objection with the Secretary of the Senate, direct that it be returned to the senate committee from which it was reported for action in accordance with the rules of the senate. A bill placed upon the senate consent calendar shall not be subject to amendment, except for committee amendments, and after the committee amendments have been disposed of shall be third read as though it had previously been perfected. If returned to committee, the chairman may report the bill to the senate at the next time that order of business is taken up, without further action of the committee. No senate bill may be placed on the consent calendar after March fifteenth and no house bill shall be placed on the consent calendar after April fifteenth.

**Rule 46.** Any bill or joint resolution which proposes the amendment or reenactment of an existing statutory or constitutional provision with changes in the language thereof, in setting forth the provision as amended or changed, shall upon introduction, after perfection, and upon final passage have the matter which is to be omitted included in its proper place enclosed in brackets and all new matter to be inserted shall be underscored when typewritten for introduction. When printed the amendatory or reenacting bill or joint resolution shall show the matter to be omitted enclosed in bold-faced brackets and the new matter shall be shown in bold-faced Roman type. A footnote shall be annexed to the first page of each bill which contains material enclosed in bold-faced brackets to the following effect:

"Explanation--Matter enclosed in bold-faced brackets in the above bill is not enacted and is intended to be omitted from the law."

When a section is completely rewritten, the existing section shall be set forth in bold-faced brackets in a note following the new section, but the changes need not be distinguished. When any section is to be repealed and no reenactment of the material therein is proposed, the section shall be set forth in the bill in bold-faced

brackets. Statutory section numbers of any senate bill or joint resolution or any substitute for a house bill shall be presented, as nearly as practicable, sequentially throughout the body of the bill followed by any undesignated sections. Any bill or joint resolution or substitute therefor which does not comply with this rule shall not be placed upon the calendar of the senate.

**Rule 47.** Each bill or joint resolution shall, before being finally acted upon by any committee, be submitted to the committee on legislative research for preparation of a fiscal note examining the cost of the proposed legislation to the state for the first two years that public funds will be used to fully implement the provisions of the Act, whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency, whether or not there is a federal mandate for the program or agency, whether or not the proposed program or agency will have significant direct fiscal impact upon any political subdivision of the state, or whether or not any new physical facilities will be required.

The fiscal note for a bill shall accompany the bill throughout its course of passage, and may from time to time be revised to reflect changes made in the bill prior to its presentation to the governor for his approval.

**Rule 48.** No bills, other than appropriation bills, shall be introduced in the senate after March first of any regular session unless consented to by a majority of the elected members of the senate, and no bills other than appropriation bills shall be introduced in the senate after the sixtieth legislative day of any regular session, unless consented to by a majority of the elected members of the house and senate, or the governor requests consideration of the proposed legislation by a special message. (Constitution, Art. III, Sec. 25.)

**Rule 49.** Up to one thousand copies of all bills and joint resolutions shall be printed after their first reading and before a second reading is permitted, unless otherwise ordered. Bills and resolutions for the senate shall be printed in pamphlet form, as for the last and previous sessions, in page size eight and one-half by eleven inches. A copy of the printed bill shall be attached to the original bill when it is referred to committee, and thereafter the original and the printed copy thereof shall be kept together. The bill shall not be re-typed, but upon perfection a printed copy of the bill with all amendments or substitutes adopted incorporated shall be attached to the original bill. Upon final passage by the senate, the original, with a printed copy of the bill as perfected attached thereto, shall be transmitted to the house. Upon final passage by both houses the bill shall be printed as truly agreed and finally passed, shall be signed by the presiding officers in printed form, and shall be presented to the governor in printed form with appropriate spaces for signatures, and such printed bill, appropriately signed, shall constitute the original roll for the bill.

**Rule 50.** Referrals of bills and appointments to committee shall be made by the president pro tem; and no bill shall be considered for final passage unless it has been reported on by a committee and printed for the use of the senators. A report of all bills recommended "do pass" by a committee shall be submitted to the senate by the chairman and all committee amendments accompanying the report shall be printed in the Journal.

After a bill has been referred to a committee, one-third of the senators elected has the power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. In any case where a committee has been relieved of further consideration of a bill as herein provided, a majority of the senators present but not less than one-third of the senators elected, may, at any time before final passage thereof, again refer the bill to the same or some other committee for consideration. No bill or resolution shall be reported adversely by any committee until the author of the bill or resolution has been given an opportunity to appear and be heard before the committee to which it is referred.

One-third of the senators elected may relieve a committee of an appointment and a motion to grant advice and consent of the Senate to that appointment is then in order upon a vote of the majority of the Senate.

**Rule 51.** A majority of the members of a committee constitutes a quorum. No committee shall take final action on a bill unless a quorum is present. Each committee shall keep a record of the members present when a bill is finally considered; and this record and the record of the votes cast shall be filed by the committee with its report. (Constitution, Art. III, Sec. 22.) No bill shall be reported from a committee unless such action is approved by affirmative vote by a majority of those present. Votes of "present" and abstentions from voting shall not be counted in the affirmative or negative. Executive sessions may be used only for purposes of discussion.

**Rule 52.** Senate bills reported to the senate from any committee shall lie on the table one day before

being perfected and ordered printed. Senate bills reported perfected and house bills reported from committee shall lie over one day before being third read.

**Rule 53.** Senate bills reported adversely from standing committees shall not be placed on the calendar, but on motion made within two legislative days after the report is filed, the author of the bill being present, it may be placed on the calendar by a vote of the majority of senators elected. If no such vote is taken within that time, the bill shall lie on the table. House bills reported adversely from the standing committees shall not be placed on the calendar, but on motion made within two legislative days after the report is filed may be placed on the calendar by a majority vote of the senators elected. If no such vote is taken within that time, the bill shall lie on the table.

**Rule 54.** No law shall be passed except by bill, and no bill shall be so amended in its passage through the senate as to change its original purpose. (Constitution, Art. III, Sec. 21.)

**Rule 55.** Every bill shall be read by title on three different days. (Constitution, Art. III, Sec. 21.)

**Rule 56.** Bills, whether they originate in the senate or in the house, may be amended or rejected. (Constitution, Art. III, Sec. 21.)

**Rule 57.** No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in Section 37 of Article III of the Constitution, and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated. (Constitution, Art. III, Sec. 23.)

**Rule 58.** No act shall be revived or reenacted unless it shall be set forth at length as if it were an original act. (Constitution, Art. III, Sec. 23.)

**Rule 59.** On all bills containing an emergency clause, the vote shall be taken on the bill, excluding the emergency clause, and if the bill receives the vote of a majority of all the senators elected then the vote shall be taken on the emergency clause without debate, and if two-thirds of the senators elected vote in favor of it, the bill takes effect at the time described in the preamble of the emergency clause thereof. (Constitution, Art. III, Sec. 29.)

**Rule 60.** An amendment shall not go beyond the second degree to an original bill. All amendments adopted by either house to a bill pending and originating in the same shall be incorporated in the bill, and the bill as perfected shall before the third reading and final passage, be printed for the use of the members. The printing of bills ordered to third reading and final passage shall be under the supervision of the Committee on Rules, Joint Rules and Resolutions, whose report shall set forth that they find the printed copy of such bills as theretofore agreed and furnished for the use of the members is correct. A correct record of each day's proceedings in each house shall be furnished for the use of the members of the general assembly before the record is approved and no bill shall be signed by the presiding officer of either house until such printed copy thereof shall have been furnished for the use of the members of the general assembly and the record of the previous day shall have been approved. When agreed to by both houses, the bill as finally passed shall be typed or printed and signed by the presiding officer of each house and transmitted to the governor.

**Rule 61.** If a bill passed by the senate is returned thereto, amended by the house, the senate shall cause the amendment or amendments received to be printed and copies distributed among the members before final action on such amendments. (Constitution, Art. III, Sec. 24.)

**Rule 62.** No amendment to bills by the house shall be concurred in by the senate except by a vote of the majority of the senators elected taken by yeas and nays, and the names of those voting for and against recorded upon the Journal, and if amendments are concurred in by the senate, the bill, as amended, shall be submitted to the vote of the senate by yea and nay vote, and the names of those voting for or against recorded on the Journal; and reports of committees of conference shall be adopted in the senate only by a vote of a majority of the senators elected thereto, taken by yeas and nays, and the names of those voting recorded on the Journal. (Constitution, Art. III, Sec. 27.) If a bill passed by the Senate is returned thereto, amended by the House in the form of a substitute with adopted amendments, it shall be considered as a whole without the amendments being subject to consideration individually. The same shall apply to House bills returning to the Senate which have been passed by the Senate in the form of Substitutes with adopted amendments.

**Rule 63.** No act shall be amended by providing that designated words be stricken out, or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof, but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu

thereof, together with the act or section amended, shall be set forth in full as amended. (Constitution, Art. III, Sec. 28.)

**Rule 64.** A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. A substitute bill for an original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments, except that it shall not be subject to amendment by a further floor substitute. No further amendments or substitutes may be entertained after the senate adopts a substitute bill.

**Rule 65.** The withdrawal of a pending motion by its maker or a motion to place a bill on the informal calendar, along with any pending amendments or substitutes, by its sponsor is a privilege that may be exercised at any time, even while another member is addressing the senate or if an amendment or substitute is pending. When the senate returns to the bill, the sponsor of the pending amendment or substitute shall be first recognized by the chair on the pending amendment or substitute.

#### **Final Passage - Yeas and Nays**

**Rule 66.** 1. To effect the passage of a bill on the final reading thereof, the vote shall be taken by yeas and nays, and the names of the senators voting for and against the same shall be entered and recorded in the Journal, and if a majority of the senators elected vote in favor thereof, the bill shall be declared passed. No senator shall be allowed to cast or change his or her vote after the senate's action on said question is announced by the president.

2. Any member may offer an amendment or amendments for the portion of a joint resolution or bill to be submitted to the voters by the General Assembly that contains the proposed official summary statement and fiscal note summary. Such amendment may be further amended as provided by the rules of the Senate.

**Rule 67.** When a bill is put upon its final passage and, failing to pass, a motion is made to reconsider the vote by which it was defeated, the presiding officer shall briefly state the nature of the bill. Thereupon the vote on the motion to reconsider shall be immediately taken, without interrogation or debate, and the subject finally disposed of without interrogation or debate before the senate proceeds to any other business.

**Rule 68.** No bill shall become a law until after it has been signed by the presiding officer of the senate, in open session. Before the presiding officer affixes his or her signature to any bill he or she shall suspend all other business, declare that the bill will now be read, and that if no objection be made he or she will sign it to the end that it may become a law. The bill shall then be read and if no objection is made, he or she shall, in the presence of the senate, in open session, and before any other business is entertained affix his or her signature, which fact shall be noted in the Journal, and the bill immediately sent to the other house. If any senator objects that any substitution, omission or insertion has occurred, so that the bill proposed to be signed is not the same in substance and form as when considered and passed by the senate or house, or that any particular clause of Article III of the Constitution has been violated in its passage, such objection shall be passed upon by the senate, and if sustained, the presiding officer shall withhold his or her signature; but if the objection is not sustained, then any five members may embody it over their signature, in a written protest, under oath, against the signing of the bill. The protest, when offered in the senate, shall be noted upon the Journal, and the original shall be annexed to the bill, to be considered by the governor in connection therewith; and if the bill is one that has not been first signed by the presiding officer of the house, it shall immediately be sent to the house after it has been so read and signed in the senate, for such action thereon in the house as is prescribed by the constitution. (Constitution, Art. III, Sec. 30.)

**Rule 69.** When any bill passed by both houses has been signed as provided for in the preceding rule, it is the duty of the secretary of the senate, if the bill originated in the senate, to present it in person, on the same day on which it was signed, as aforesaid, to the governor, take his or her receipt therefor and enter the fact of such delivery and the time thereof upon the Journal. Every bill presented to the governor and returned within fifteen days to the house in which it originated, with the approval of the governor shall become a law unless it is in violation of some provision of the constitution.

**Rule 70.** Bills vetoed by the governor and returned to the senate by the governor or by the house shall stand as reconsidered and such action shall be taken thereon as prescribed by the constitution and by the Joint Rules of the Senate and House of Representatives. (Constitution, Art. III, Sec. 32.)

**Rule 71.** All resolutions proposing amendments to the constitution shall be treated, in all respects, in the introduction and form of proceedings on them in the senate, in the same manner as bills. All other orders and

resolutions (except courtesy resolutions) shall be referred to a committee unless the senate otherwise expressly allows by a majority vote of senators elected. Courtesy resolutions will be read only upon request of the senator offering the resolution. Courtesy resolutions shall be printed in the Journal only upon the request of the senator offering the resolution. A senator who wishes to offer a courtesy resolution which is not to be read or printed may file the resolution with the secretary of senate who will show the resolution in the Journal as having been adopted by the senate.

### **Privileged Motions**

**Rule 72.** A motion to adjourn and a motion to fix the day to which the senate shall adjourn is in order, unless a senator is speaking, or the yeas and nays are being taken, or a call is being made, and shall be decided without debate; and no senator shall leave his or her seat until the result is declared.

**Rule 73.** When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged. Pending the motion to lay on the table, the merits of the question shall not be discussed, and no motion to postpone to a certain day, to commit or postpone indefinitely, being decided, shall again be allowed on the same day, at the same stage of the bill or proposition.

**Rule 74.** When a question is postponed indefinitely it shall not be acted on during the session.

**Rule 75.** When a question is laid on the table, it may not thereafter be considered except by vote of two-thirds of the senators elected, except that all measures, other than bills which stand as reconsidered having been returned by the governor with his or her objections, not finally acted upon on adjournment of the senate in odd-numbered years shall lie on the table and the subject matter of such measures may be taken from the table only by reintroduction of a measure at a subsequent session of the senate.

### **Of Decorum and Debate**

**Rule 76.** When a senator is about to speak, he or she should rise respectfully and address himself or herself to the chair, standing at his or her seat, and wait until his or her name or designation is announced, when he or she shall proceed, addressing himself or herself always to the chair. If a senator is unable to stand due to a permanent physical disability, he or she, after seeking recognition from the chair, shall be recognized in lieu of standing. If a senator is unable to stand due to a temporary physical disability, he or she shall send a letter to the secretary of the senate, which shall be printed in the journal and subsequently shall be recognized from the chair in lieu of standing. In order to maintain the recognition of the chair, the senator must be engaged in debate or in discourse. When a senator is engaged in debate or discussion and seeks to have the senate stand at ease, the senator must seek unanimous consent of the body.

**Rule 77.** If two or more senators seek recognition in accordance with Rule 76 at once, the chair shall name the senator who is to speak first, the other seeking recognition having the preference next to speak. However, nothing in this rule shall be interpreted to prevent any senator not chosen to speak first from immediately making any motion that is in order under the rules.

**Rule 78.** The chair shall preserve decorum, and if any senator transgresses the rules of the senate, the chair shall, or any senator may, call him or her to order, in which case the senator called to order shall immediately sit down, unless permitted to explain; and the senate, if appealed to, shall decide on the case. If there is no appeal, the decision of the chair shall prevail. If the decision of the chair is in favor of the senator called to order, he or she shall be at liberty to proceed.

**Rule 79.** If a senator is called to order for words spoken in debate, the senator calling him or her to order shall repeat the words excepted to, and they shall be taken down in writing on the secretary's table, and no senator shall be held to answer, or be subject to the censure of the senate for words spoken in debate, if any other senator has spoken or business has intervened after the words spoken and before exception to them has been taken.

**Rule 80.** No senator shall speak more than once on the same question without leave of the senate, unless he or she is the mover, proposer or introducer of the matter pending, in which case he or she shall be permitted to speak or reply, but not until every senator choosing to speak has spoken. After a senator has been recognized to close, no other senator is permitted to speak on the pending matter, except that in the case of a proposed amendment to a bill or resolution, the proponent of the amendment and the author of the

bill or resolution to be amended may be interrogated, but, in the case of a bill or resolution, only the author of the bill or resolution may be interrogated.

**Rule 81.** In proceedings and debate of the senate, the senators shall not be spoken of or addressed by their individual names.

**Rule 82.** If the question in debate contains several points, any senator may have it divided if it comprehends propositions in substance so distinct that by one being taken away a substantive proposition remains for the decision of the senate. On motion to strike out and insert, it shall not be in order to move for a division of the question, but a rejection of the motion to strike out and insert a different proposition shall not prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

**Rule 83.** On the discussion of any business which may, in the opinion of a senator require secrecy, the president shall order the gallery to be cleared, and during the discussion the doors shall remain closed unless otherwise directed by the senate. When nominations are made in writing by the governor of the state to the senate for confirmation, the confirmation shall, without debate, be sent to the senate for confirmation, the confirmation shall, without debate, be referred to the appropriate committee for investigation, and their report shall be made to the senate as soon as practicable.

#### **Previous Question**

**Rule 84.** The previous question shall be in this form: "Shall the main question be now put?". It shall only be admitted on written demand of five senators, and sustained by a vote of a majority of the senators elected, and in effect shall be put without debate, and bring the senate to direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments, and then upon the main question. On demand for the previous question, a call of the senate shall be in order, but after a majority of the senators elected have sustained such a motion, no call shall be in order prior to the decision on the main question.

**Rule 85.** On motion of the previous question, no debate shall be allowed and all incidental questions of order arising after the motion is made for the previous question, and pending such motion, shall be decided on appeal or otherwise without debate; if, on a vote for the previous question, the motion is not sustained by a majority of the senators elected, then the further consideration of the subject matter shall be in order.

#### **Motion - How Put**

**Rule 86.** Every motion, except motion to recess or adjourn, shall be reduced to writing if two or more senators request it.

**Rule 87.** When a motion is made it shall be stated by the chair, or being in writing, it shall be handed to and read aloud by the secretary before debate.

**Rule 88.** After a motion is stated by the chair, it is deemed to be in possession of the senate, but may be withdrawn at any time before a decision or amendment, but afterwards only with the consent of the senate.

**Rule 89.** All questions, whether in committee or senate, shall be first stated in the order in which they are moved, but voted upon in reverse order, except privileged questions, which shall be propounded as stated in Rule 73; and in filling up blanks, the largest sum and longest time shall be put first.

**Rule 90.** The yeas and nays shall not be ordered on any question after a vote has been taken thereon and declared by the chair.

**Rule 91.** Every senator who is within the bar of the senate when a question is put shall assume his or her seat, and shall vote when his or her name is called unless the senate, for special reasons, excuses him or her. All motions to excuse a senator from voting shall be made before the senate divides, or before the call for yeas and nays is commenced. In taking the yeas and nays, each senator shall declare distinctly his or her vote yea or nay. In the event a senator within the chamber refuses to cast his or her vote, then, at the direction of the president, he or she shall be removed from the chamber and such action noted in the Journal.

**Rule 92.** When a question has once been decided by a vote of the senate, any senator voting on that side which prevails may move for a reconsideration of the vote at any time within three legislative days, excluding legislative days wherein the roll is not called, after the day on which the vote was had, except votes ordering bills printed as perfected, which may be reconsidered at any time before third reading of such bills. When a

motion is made to reconsider the vote by which a bill failed of perfection, the presiding officer shall briefly state the nature of the bill and, thereupon, the vote on the motion to reconsider shall be immediately taken without interrogation or debate. All motions to reconsider shall be decided by a majority vote of the senators elected. Only one motion to reconsider shall be allowed on any question.

**Rule 93.** Any senator voting in the minority on any subject, and protesting against the vote of the senate, may have his or her protest entered on the Journal, if the tenor and language of the protest would have been admissible in the discussion of the subject.

### Miscellaneous

**Rule 94.** No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for spouses and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration.

**Rule 95.** No senator shall absent himself or herself from the session of the senate unless he or she has leave or is sick or unable to attend. A member who is absent from the chamber for attendance at a standing committee meeting, or a conference committee meeting shall be shown as absent with leave (committee). It shall be the responsibility of the member to advise the secretary of the senate of his or her attendance at such committee meeting.

**Rule 96.** 1. Laptop computers may be used by the press at the press table and by the research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.

**Rule 97.** In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual, including the U.S. Senate practice that a substitute amendment to a first degree amendment is subject to a second degree perfecting amendment.

**Rule 98.** No standing rule or order of the senate shall be rescinded or changed without one day's notice being given of the motion thereof, which notice shall be printed in the journal of the senate, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a two-thirds majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. Upon one day's notice of the proposed rule change having been given, the senate resolution adopting such rule change shall not be assigned to a committee without consent of the sponsoring senator and shall be in order to be considered by the senate at any day or time thereafter upon motion of the sponsor during the order of business of Resolutions.

**Rule 99.** No senator shall be permitted to interrupt a roll call and no senator shall be allowed to change his or her vote after a verification is requested by any senator, or after the final vote is announced. When verification is requested, any senator within the chamber who has not voted shall vote prior to the verification of the roll.

**Rule 100.** A roll call vote of the senate shall be taken upon any question at the request of five senators.

**Rule 101.** All senate committees shall meet on call of the chairman and the regular meetings of the committees shall be held at the times and places designated by the Committee on Administration.

**Rule 102.** Public introduction of guests shall not be allowed in the Senate Chamber during the last ten calendar days of the session. At other times, the introduction of guests shall be the order of business at the beginning of each daily meeting of the Senate and immediately prior to daily adjournment.