

RULES OF THE SENATE

Quorum

1. A majority of the members elected to the Senate shall constitute a quorum and a quorum shall be necessary to proceed to business, but two members may adjourn, and three members may order a call of the Senate, send for absentees and make any order for their censure or discharge. On a call of the Senate, the doors shall not be closed against any member until his or her name shall have been twice called. [Const., Art. VI, §32.]

2. In case a less number than a quorum of the Senate shall convene, the members present are hereby authorized to send the Sergeant at Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the Senate. This rule shall apply, as well to the first meeting of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

Officers

3. The Senate, at the commencement of each new Legislature, shall elect as its officers a President, Clerk, Sergeant at Arms and Doorkeeper. The vote of a majority of all the members elected to the Senate shall be necessary for the election of these officers and the vote shall be by voice vote and be entered upon the Journal. [Const., Art. VI, §24.]

4. The President of the Senate shall appoint a President *pro tempore*, who, during the absence of the President, shall preside and perform all the duties of the President.

5. The President may call a member to the chair who shall perform the duties of the chair until the President returns to the chair, but no member by virtue of such appointment shall preside for a longer period than three consecutive legislative days.

6. The Clerk of the Senate shall not allow any records or papers to be taken from the table or out of his or her custody except by a chairperson of a committee to which they may have been referred and then only upon a proper receipt therefor and except as required by these rules or by the Joint Rules of the Senate and House of Delegates.

Order of Business and Procedure

7. The order of business of the Senate shall be:
 1. To read, correct and approve the Journal.
 2. Introduction of guests.
 3. To dispose of communications from the House of Delegates and the Executive.
 4. To receive reports from standing committees.
 5. To receive reports from select committees.
 6. To receive bills, resolutions, motions and petitions.
 7. To act upon unfinished business of the preceding day and resolutions lying over from the previous day, and no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
 8. Senate and House Bills on third reading.
 9. Senate and House Bills on second reading.
 10. Senate and House Bills on first reading.
 11. Introduction of guests.
 12. Remarks by members of the Senate.
 13. Miscellaneous business. (SR 3, Reg. Sess., 1985)

Effect of 1985 amendment. Provided for introduction to the Senate of citizens in the galleries.

8. Every member desiring to speak shall stand in his or her own place, address the President and, upon being recognized, shall proceed, confining oneself to the question under debate, avoiding all indecorous or disrespectful language. The President may recognize the member by name; but no member in debate or remarks shall designate another by name.

9. If the question in debate contains several points, any member may have the same divided. On motion to strike out and insert, it shall not be in order to move for a division of the question.

10. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition and shall not prevent a subsequent motion to simply strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

11. No question shall be debated until it has been propounded by the President. The President, after calling a member to assume the chair, the mover of the question, the chairperson of the committee that reported the matter or the sponsor of the bill or resolution, in that order of preference, shall have the right to explain his or her views in preference to any other member.

12. No member shall speak more than twice upon the same question without leave of the Senate or more than once until every member choosing to speak shall have spoken, except that the mover of the question shall have the right to close the debate thereon.

13. While the President is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

Bills and Resolutions

14. No Senate bill, other than a Senate supplementary appropriation bill, and no Senate joint resolution shall be introduced in the Senate after the forty-first day of a regular session unless permission to introduce the bill or the joint resolution be given by a Senate resolution, setting out the title to the bill or the joint resolution and adopted by a two-thirds vote of the Senate members present. When permission is requested to introduce a bill or joint resolution under the provisions of this rule, quadruplicate copies of the bill or the joint resolution shall accompany the resolution when introduced.

A standing committee of the Senate may originate a bill or resolution and report the same after the forty-first day.

The forty-first day of the regular session held in the year one thousand nine hundred seventy-seven and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years. (SR 19, Reg. Sess., 1981; SR 28, Reg. Sess., 1983)

Effect of 1981 amendment. The rule was completely rewritten.

Effect of 1983 amendment. Permitting Committee to originate a bill or resolution and report the same after the forty-first day.

15. Each bill or resolution for introduction shall be presented in quadruplicate, bearing the name of the member or members by whom it is to be introduced, and shall be filed with the Clerk not later than twelve o'clock meridian on the legislative day next preceding its introduction: *Provided*, That the pre-filing requirement shall not apply to the first day of any session of the Legislature. A bill may be introduced by request. All bills introduced by request shall bear the words "by request", following the designation of the name or names of the bill sponsor or sponsors.

The Clerk shall designate one copy of a bill or resolution the official copy and it shall constitute the official bill or resolution for use of committees and for the permanent files of the Senate. One copy shall be used for printing and copying, one for the use of the news media and one for the Clerk's general office files.

Each bill or resolution shall be numbered, edited and corrected as to form by the Clerk and reported by the Clerk to the Senate on the next legislative day, under the sixth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, a member may introduce a bill or resolution from the floor. (SR 36, Reg. Sess., 1994)

Effect of 1994 amendment. The amendment rewrote the rule concerning the introduction of bills "by request."

15a. Prior to final consideration, by any committee in the Senate, of any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, if available, which "Fiscal Note" shall conform to the requirements as to form and content prescribed by the "Fiscal Note Manual," prepared and adopted by the Committee on Rules to govern preparation of fiscal notes to bills introduced in the Senate.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required. Such note shall be attached to the bill when filed for introduction, if at all possible, and shall accompany any bill requiring such note when the same is reported from committee.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon. (SR 7, Reg. Sess., 1986.)

Effect of 1986 amendment. Added "county, municipality or other subdivision of the State" to section requiring fiscal note on any bill increasing or decreasing revenue or fiscal liability.

16. All concurrent and simple resolutions, when introduced shall lie on the table at least one day, and then be referred to the appropriate committee unless the Senate directs otherwise by a vote of a majority of the members present.

It is hereby declared to be the policy of the Senate that concurrent resolutions be limited to the general purposes of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

Concurrent resolutions shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Concurrent resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

Before any concurrent resolution is introduced, it shall be submitted to the Clerk for determination of compliance with this rule. If the Clerk determines that it is in compliance with this rule, the concurrent resolution shall be introduced. If the Clerk determines that it is not in compliance with this rule, or if the Clerk is in doubt about its compliance, the Clerk shall submit it to the Committee on Rules for this determination, and then the concurrent resolution shall be introduced only if the Committee determines that it is in compliance with this rule.

17. Unless otherwise directed by the Committee on Rules all bills, resolutions or business originating in the Senate shall be considered at the appropriate order of business in the order in which they are introduced, and all bills and resolutions received from the House of Delegates shall be introduced in the order in which they are received and shall be considered at the appropriate order of business in their numerical order.

18. All bills and resolutions passed or adopted by and reported from the House of Delegates shall be read by their titles and referred to the appropriate committee unless the Senate directs otherwise by a vote of a majority of the members present. They shall then be proceeded with in the same manner as Senate bills or resolutions. All bills and joint resolutions introduced shall be read by their titles and referred to the appropriate committee without printing and shall be treated in committee as resolutions of inquiry. If the committee reports a bill or resolution different, either by amendment or substitution, from the one introduced, it shall be received and treated by the Senate as the original bill or resolution. All Senate bills and joint resolutions reported by a committee shall be printed, with the proposed committee amendments printed on the foot thereof, and shall be then read a first time, unless in any of the aforesaid cases the Senate directs otherwise by a vote of a majority of the members present. (SR 3, Reg. Sess., 1985.)

18a. Any bill, resolution or business which does not follow the procedures of Rule Nos. 17 and 18 shall remain in the possession of the Senate Rules Committee.

Effect of 1985 amendment. The amendment added Rule 18a.

19. All bills shall be read on three different days, unless in case of urgency, by a vote of four fifths of the members present,

taken by yeas and nays, on each bill, this rule be dispensed with. [Const., Art. VI, §29.]

20. All engrossed bills shall be fully and distinctly read when put upon their passage. [Const., Art. VI. §29.]

21. On each reading of the bill the Clerk shall state whether it is the first, second or third reading of such bill, but no bill shall be put upon its second reading until the same shall have been printed and delivered to the members of the Senate at least one day previous to such reading, unless the Senate directs otherwise by a vote of a majority of the members present.

21a. Upon motion of any member, on any legislative day or the day preceding, the Senate may, by a vote of two thirds of those present, establish a period of time known as “Bill Reading Docket”.

Such motion shall state each bill to be read, the time and order for such bill reading docket to commence and to conclude, and may provide for the adjournment or recess of the Senate for not more than one legislative day, during which reading of the docket no motion, except a motion to postpone the reading of the bills, by two-thirds vote of those elected, shall be heard. A quorum shall not be required during the reading of the docket. Any and all members requesting that a bill be read shall be present at all times in the Chamber during its reading.

All bills read on the bill reading docket shall be considered as having been read fully and distinctly. (SR 26, Reg. Sess., 1989.)

Effect of 1989 amendment. Established a period of time known as Bill Reading Docket for reading bills.

22. On the first reading of a bill, a motion to reject the bill shall be in order.

23. If a committee shall have reported adversely to a bill, the President immediately after the report of said committee is read shall put the question, “Shall the bill be rejected?” which question shall have precedence over all motions, except a motion to adjourn.

24. A bill shall be amended only on second reading. When a bill is being read for amendment, it shall be read section by sec-

tion on the demand of any two members. When the amendments which may be moved shall be disposed of, the question shall be taken on ordering a Senate bill to be engrossed and ordered to third reading and on ordering a House bill to third reading. If a Senate bill should be ordered to its engrossment and third reading and amendments thereto have been made, the type from which the bill was originally printed shall be changed to conform to the amendments. The bill shall then be reprinted and shall be the engrossed bill. If no amendments are made, the bill as originally printed may be ordered to its third reading and shall become the engrossed bill. All Senate bills so ordered shall be jacketed, endorsed with their number, title, by whom introduced, and if the bill is finally passed, the date of its passage and the signature of the Clerk. If a Senate bill should be passed by the House and returned to the Senate without amendments, or if amended, and the amendments should be agreed to, the bill shall be enrolled by the Clerk and delivered to the Joint Committee on Enrolled Bills. In the case of a House bill on second reading if the same be amended, the amendment or amendments shall be noted in full in typewriting on slips of paper and attached to the bill at the proper place by the Clerk before the bill is returned to the House, and all amendments shall appear in the Senate Journal.

25. When a bill or joint resolution is put upon its passage or adoption, respectively, the President shall propound the question, "Shall the bill pass?" or "Shall the resolution be adopted?" On the passage or adoption, respectively, of every bill or joint resolution, the vote shall be taken by yeas and nays. When the bill or joint resolution is on second reading and the question is upon striking out, the President shall propound the question, "Shall these words be stricken out?"

26. When a Senate bill or Senate joint resolution passed by the Senate shall be amended by the House of Delegates, the question on agreeing to the bill or joint resolution, as amended, shall be again voted on by yeas and nays in the Senate. In all such cases the affirmative vote of a majority of all the members elected to the Senate shall be necessary. [Const., Art. VI, §31.]

Committees

27. At the commencement of each Legislature, standing committees shall be appointed, each committee to consist of the number of members indicated in the parentheses following the naming of the committee. The following committees shall be named:

1. On Agriculture (11).
2. On Banking and Insurance (13).
3. On Confirmations (9).
4. On Economic Development (14).
5. On Education (14).
6. On Energy, Industry and Mining (13).
7. On Finance (17).
8. On Government Organization (14).
9. On Health and Human Resources (13).
10. On Interstate Cooperation (7); (the President of the Senate is to be ex officio cochairperson).
11. On the Judiciary (17).
12. On Labor (11).
13. On Military (9).
14. On Natural Resources (13).
15. On Pensions (7).
16. On Rules (10); (the President of the Senate is to be ex officio chairperson).
17. On Transportation and Infrastructure (9). (SR 3, Reg. Sess., 1997; SR 3, Reg. Sess., 2003; SR 3, Reg. Sess., 2005; SR 3, Reg. Sess. 2007)

Effect of 1997 amendment. Changed the number of members serving on the Committee on Government Organization from 14 to 15.

Effect of 2003 amendment. Changed the name of the Committee on Small Business to the Committee on Economic Development.

Effect of 2005 amendment. Changed the composition of committees and renamed the Committee on Transportation to the Committee on Transportation and Infrastructure.

Effect of 2007 Amendment. Changed the composition of five Committees.

28. All standing committees shall be appointed by the President. The President shall designate the chairperson of each standing committee and may also designate a vice chairperson of any standing committee when the President may deem it advisable.

The chairperson of each standing committee of the Senate shall cause a record to be kept of every meeting of such committee, wherein shall be entered:

(a) The time and place of each committee meeting and every hearing had before the committee.

(b) The attendance of members of the committee at each meeting thereof.

(c) The name of any person appearing before the committee and the interest represented by him or her.

(d) The vote of each member of the committee when a ye and nay vote is taken.

Any member of such standing committee may cause a notation to be made upon the record aforesaid of the reason for his or her absence at any former meeting of the committee; and, in the absence of any such explanatory note, the presumption shall be that his or her absence was without reasonable cause.

The chairperson of each standing committee shall, upon request, make the record of any ye and nay vote taken, in open or executive session, available for public inspection no later than the next legislative day after the close of the standing committee meeting at which such ye and nay vote was taken.

The several standing committees shall have leave to report by bill, resolution, or otherwise, any proposed legislation originating therein, as well as to report back a committee substitute for a Senate bill or resolution, or otherwise. A committee substitute, with the consent of the original sponsor, shall carry the name of the original sponsor. Reports of committees shall be advisory only. All committees shall submit their reports to the Senate in writing and the same shall be printed in the Journal.

On the adjournment of each session of the Legislature, the chairperson of the respective committees shall deliver to the Clerk of the Senate the record book herein provided for, and it shall be the duty of such Clerk to preserve the same among the archives of his or her office.

29. The President shall refer bills and resolutions introduced and such other matters as the President shall deem appropriate to a standing committee.

30. Select committees shall consist of not less than three nor more than five members, unless the Senate directs otherwise by a vote of a majority of the members present.

31. The Committee on Rules shall examine the oaths taken by each member and the evidence of their election and report to the Senate.

The Committee on Rules shall report in all cases of privileges and contested elections, the principles and reasons on which their resolutions are founded.

The Committee on Rules shall see that all papers belonging to the Clerk's Office are properly labeled and filed and that the books belonging to the office are chronologically arranged.

32. All meetings of Senate standing committees, other than executive sessions, shall be open to the public, and an executive session may be held only upon a majority vote of the members present.

33. When the Senate shall resolve itself into the Committee of the Whole, the President shall leave the chair and appoint a chairperson to preside in the committee.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable, except the rules limiting the number of times speaking, concerning the previous question and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded on the Journal of the Senate, except so far as reported to the Senate by the chairperson of the committee.

34. Any bill, resolution or business may, by a vote of the majority of the members present, be withdrawn from the committee to which it had been referred or be taken from the table, and placed upon the calendar of the Senate in such order of business as the Senate may direct: *Provided*, That those bills, resolutions or business referred to the Senate Rules Committee under authority of Rule No. 17 may by a vote of two thirds of the members present be withdrawn from the Senate Rules Committee. (SR 3, Reg. Sess., 1985)

Effect of 1985 amendment. Provided for removal of legislation pending before the Rules Committee.

Decorum and Debate

35. If a member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the Senate, for words spoken in debate if

any other member has spoken or other business has intervened after the words spoken and before the exception to them was taken.

36. While the President is reporting or putting a question, no one shall entertain private discourse or walk into, out of or across the Senate Chamber.

37. No member or other person except the Clerk and the Clerk's assistants shall visit or remain by the Clerk's table while the yeas and nays are being taken.

38. During any debate, any Senator, though he or she has spoken to the matter, may arise and speak to the orders of the Senate, if they be transgressed, in case the President does not.

Motions

39. When a question is pending, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone the question to a different day.
5. To commit.
6. To amend.
7. To postpone indefinitely.

These several motions shall have precedence in order in which they are arranged.

40. The following motions shall be decided without debate, and shall not be amended:

1. To adjourn.
2. To fix the time to which the Senate shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To suspend the constitutional rule requiring bills to be read on three several days.
6. To recess.

41. There shall be a motion for the previous question, which being ordered by a majority of the members present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for, or after the previous question shall have been ordered on its passage, for the President to entertain and submit a motion to commit with or without instructions to a standing or select committee. A motion to lay upon the table pending a motion for the previous question shall be in order only when the previous question has been moved on the second or third reading of a bill.

A call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the President that a quorum is not present.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Reconsideration of Vote

42. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. When the yeas and nays have not been recorded in the Journal, any member, irrespective of whether he or she voted with the prevailing side or not, may make the motion to reconsider. If the Senate refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions,

except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next succeeding day of actual session. A motion to reconsider shall not be withdrawn without leave of the Senate.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the Senate until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the Senate, shall be in order unless subsequently recalled by vote of the Senate and in possession of the Clerk.

When a motion to reconsider has been carried, its effect shall be to place before the Senate the original question in the exact position it occupied before it was voted upon.

Voting

43. Every member within the Senate Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member directly and not as one of a class, or the Senate excuses him or her. All motions to excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted.

44. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days and on fixing the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of the State; on the passage of a bill notwithstanding the objections of the Governor; on the passage of a supplementary appropriation bill; on the passage of a Senate bill or Senate joint resolution amended by the House; on all questions where a specific vote is required by the Constitution, the

Joint Rules of the Senate and House of Delegates, or by these rules; on the passage of a bill; and on quorum calls: *Provided*, That the yeas and nays shall be taken on demand of any member on any question unless another member objects. Upon any such objection the President shall inquire of the membership if the demand for the yeas and nays is sustained. If the demand is so sustained by one tenth of the members present, the yeas and nays shall be taken, and, if the demand is not sustained by one tenth of the members present, then the yeas and nays shall not be taken.

The result of all votes taken by yeas and nays shall be entered on the Journal. When the yeas and nays are inserted on the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, with the names of the Senators voting yea or nay, and those absent.

When the yeas and nays are ordered, or a call of the Senate is directed, the names of the members shall be called in alphabetical order; excepting, however, the name of the President, which shall be called last.

After completion of a roll call vote, no member shall speak to explain his or her vote. A member's vote explanation shall not be printed in the daily Journal. A member may have his or her vote explanation printed in the bound Journal provided the member obtains the floor and makes this request immediately following announcement of the results of the roll call vote and disposition of the matter and delivers his or her written vote explanation to the Clerk within three legislative days during the session or, if there are less than three legislative days remaining in the session, within seventy-two hours after adjournment sine die. The Clerk shall note on the daily Journal for the day of the roll call vote that the member has reserved the privilege of having his or her vote explanation printed later in the bound Journal.(SR 23, Reg. Sess. 1983)

45. On all roll calls of the yeas and nays when the voting machine is not used, and before the result is announced, the Clerk shall at the request of any member read either the names of those who voted yea or of those who voted nay, whichever is the smaller number, and the names of those absent and not voting, if any, and shall announce that all others voted either yea or nay, whichever is the larger number. In the event of a tie vote, the Clerk

shall upon such request read the names of those who voted yea and the names of those absent and not voting, if any, and shall announce that all others voted nay. At that time any member shall have the right to correct any mistake committed in enrolling his or her name. The vote then shall be announced and the count entered on the Journal.

45a. The voting machine may be used in taking the yeas and nays on any question. It may also be used for quorum calls and for determining the result when a division is demanded. When the machine is used for calling the attendance roll, a member shall indicate "present" by use of the green "yea" button.

When a vote is to be taken on the voting machine, the President shall announce the question to be voted upon and direct the Clerk to prepare the machine. When the machine is ready for voting, the President shall state, "The members will now vote." After reasonable time has been given for all members to vote, the President shall ask, "Have all members voted?" After a brief pause, the President shall direct the Clerk to close the machine and ascertain the result. The Clerk shall hand the record of the vote to the President who shall promptly announce the result. Voting shall be continuous and shall be permitted until the result thereof is announced by the President: *Provided*, That any vote cast after the machine has been closed shall be stated by the President as having been cast and such shall be entered on the Journal: *Provided, however*, That no vote may be cast after the vote has been announced.

While the members are voting and before the machine is closed, the wall display boards shall continuously display the vote of each member and the total pending vote.

Under no circumstance shall a member or nonmember vote on behalf of another member.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine. (SR 11, Reg. Sess. 1981)

Effect of 1981 amendment. The rule was completely rewritten.

Messages

46. The Clerk of the Senate may interchange messages with the Clerk of the House of Delegates during sessions of the Senate

and between the hours of adjournment and that of meeting on the following legislative day.

47. Messages may be received in any stage of business except when a question is being put by the President, while the yeas and nays are being called by the Clerk or while the votes are being counted.

48. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of its passage or rejection, with the bill or resolution shall be communicated to the House of Delegates.

Journal

49. The Journal of the Senate shall be daily drawn up by the Clerk and shall be read, corrected and approved the succeeding day. It shall be printed under the supervision of the Clerk and delivered to the members without delay. After the printed Journal has been approved and fully marked for corrections, the type from which it was printed shall be changed in accordance therewith, and from the type so corrected shall be printed the number of copies required by law for the regular bound volumes of the Journal. In addition thereto ten copies shall be printed on 6 x 9 heavy weight bond paper with a certificate at the end thereof signed by the President and Clerk of the Senate certifying that the same is the Official Journal of the Senate. They shall be bound in flexible binding and bear the imprint on the back, "Official Journal of the Senate of West Virginia," with designation of regular or extraordinary session and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Division of Archives and History and one with the Clerk of the House of Delegates.

Absence of Members

50. No member shall absent himself or herself from the service of the Senate during its sittings without leave of the Senate, except in case of his or her sickness or other unavoidable cause which may prevent his or her attendance.

Power Over Members

51. No Senator shall be taken into custody by the Sergeant at Arms on any question of complaint of breach of privilege until the

matter is examined by the Committee on Rules and reported to the Senate, unless by order of the President of the Senate.

52. The Senate may punish its own members for disorderly behavior, and with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense. [Const., Art. VI, §25.]

Power Over Others

53. The Senate may punish by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its officers in the discharge of their duties, or for any assault, threat or abuse of any member for words spoken in debate; but such imprisonment shall not extend beyond the termination of the session. [Const., Art. VI, §26.]

Guests and Privilege of the Floor

54. No person except members of the House of Delegates, former members of the West Virginia Legislature who are not lobbyists, duly accredited representatives of the press, radio and television and legislative officers and employees engaged in the proper discharge of their duties, shall be admitted within the Senate Chamber while the Senate is in session. The rear or east balcony of the Senate Chamber shall be reserved for guests of the members of the Senate, and admission thereto shall be by pass signed by the President and the member seeking admission of the guest. (SR 3, Reg. Sess., 1992).

Effect of 1992 amendment. Allows introductions to be made at anytime.

Lobbying

55. No person, not a member of the Senate, shall, while within the Chamber when the Senate is in session, seek in any manner whatsoever to influence the vote or opinion of any Senator on any subject of legislative consideration, under penalty of disbarment from the Chamber for the remainder of the legislative session. No employee of the Senate shall, at any time, engage in such activity, under penalty of immediate dismissal by the Committee on Rules.

56. Repealed by SR 16, February 1, 1978.

Nominations and Confirmations

57. Unless the Senate directs otherwise by a vote of a majority of the members present, when nominations shall be made in

writing by the Governor to the Senate, a future day shall be assigned for taking them into consideration and the nominations shall be referred to the Committee on Confirmations.

When considering and acting on the nominations of the Governor, the Senate shall be in open session. The voting on each nomination shall be by yeas and nays. The result of Senate action upon any nomination by the Governor shall be forthwith certified to the Governor in a formal communication signed by the President and attested by the Clerk.

Defining Next Meeting of The Senate

57a. The phrase “next meeting of the Senate” contained in article seven, section nine of the Constitution of West Virginia means any time the full Senate is convened and includes, but is not limited to, any regular session, any extraordinary session called during any recess or adjournment of the Legislature, during any impeachment proceeding or any time the Senate is convened pursuant to section ten-a, article one, chapter four of the code of West Virginia. (SR 13, Reg. Sess., 1990)

Effect of 1990 amendment. Clarifies that Senate may act upon nominations by the Governor to fill vacancies at any time the full Senate is convened.

Constitutional Amendment

58. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, must be agreed to by a two-thirds vote of the members elected to the Senate. [Const., Art. XIV, §2.]

Adjournment

59. When the Senate adjourns each day, it shall stand adjourned to 2 o'clock P.M. the next day, unless the Senate directs otherwise by a vote of a majority of the members present, and every member shall keep his or her seat until the President leaves the chair.

Amending Rules

60. All propositions to amend these standing rules or any order of the Senate shall be by resolution and be at once referred,

without debate, to the Committee on Rules and shall be reported therefrom within seven legislative days. Any such resolution may be adopted by a majority vote.

Suspension of Rules or Order

61. No standing rule or order of the Senate shall be suspended except by a vote of two thirds of all the members of the Senate present.

Parliamentary Procedure

62. In all cases not provided for by these Rules of the Senate or the Joint Rules of the Senate and House of Delegates, the Senate shall be governed by *Jefferson's Manual* and *Rules of the House of Representatives of the United States Congress* and practices thereunder.