

Regular Session, 2014

SENATE RESOLUTION NO. 168

BY SENATOR AMEDEE

SENATE. Provides relative to the Rules of Order of the Senate. (08/01/14)

1 A RESOLUTION

2 To amend and readopt the introductory paragraph of Senate Rule No. 3.7(B) and (B)(4),
3 Senate Rule Nos. 3.7(C)(2), 8.1, 9.4, 9.5(B), 9.6, 10.9, 10.10, 13.4(3), (5)(i), (6)(d)
4 and (i), 15(j), 13.5.1, 13.5.2, and 13.95, to adopt Senate Rule No. 10.17.1 and to
5 repeal Senate Rule Nos. 3.7(D)(5) and 14.7 of the Rules of Order of the Senate; to
6 delete references to the interim calendar; to provide relative to the duties of the
7 Secretary relative to the interim calendar; to provide for the distribution of the daily
8 journal; to provide for the order or consideration of proposed floor amendments; to
9 provide that resolutions may be read by title upon introduction and printed in the
10 journal by title; to provide for the consideration of certain instruments under the
11 "Bagneris Rule"; to change certain terminology referring to persons with disabilities
12 and other exceptionalities; to provide for the recommittal of certain legislative
13 instruments; to provide for the committee documents which shall be maintained; and
14 to provide for an effective date.

15 THEREFORE, BE IT RESOLVED by the Senate of the Legislature of Louisiana
16 amends and readopts the introductory paragraph of Senate Rule No. 3.7(B) and (B)(4),
17 Senate Rule Nos. 3.7 (C)(2), 8.1, 9.4, 9.5(B), 9.6, 10.9, 10.10, 13.4(3) (5)(i), (6)(d) and (i),

1 15(j), 13.5.1, 13.5.2, and 13.95, adopts 10.17.1 and repeals Senate Rule Nos. 3.7(D)(5) and
2 14.7 of the Rules of Order of the Senate as follows:

3 Rule 3.7. Duties of Secretary

4 * * *

5 B. The Secretary shall exercise the following duties while the Legislature is
6 in session: :

7 * * *

8 (4) Maintain the calendars of bills, resolutions, and joint resolutions to be
9 taken up and acted upon by the Senate, as provided in Senate Rules 14.6 and 14.7.

10 * * *

11 C. The Secretary shall exercise the following additional duties while the
12 Senate is convened:

13 * * *

14 (2) Read the Journal daily, unless the reading is dispensed with by a majority
15 of the members present or the Journal is unavailable, as required by Senate Rule
16 14.5. **The Journal shall only be made available electronically to the members.**
17 **No hard copies of the Journal shall be distributed to a member unless the**
18 **member specifically requests a hard copy.**

19 * * *

20 Rule 8.1. Amendments; how considered; **order of consideration**

21 **A.** Only one set of proposed amendments to a legislative instrument shall be
22 considered by the Senate at any one time.

23 **B. Proposed floor amendments shall be considered in the order in which**
24 **they are received for consideration, except that amendments that have been**
25 **received prior to the consideration of the instrument that are proposed by the**
26 **lead author of a Senate instrument or by the Senate member handling a House**
27 **instrument shall be considered prior to other proposed floor amendments.**

28 * * *

29 Rule 9.4. Referral to committee

1 **and voting.**

2 **C. Any instrument so returned to the calendar under the Bagneris Rule**
3 **shall be placed on the regular calendar in the same numerical order on the next**
4 **calendar day.**

5 **D. As long as the Senate operates under the Bagneris Rule, it shall be in**
6 **order to consider any instrument after it has been voluntarily or temporarily**
7 **returned to the calendar without regard to its numerical order.**

8 * * *

9 Rule 13.4. Referral to standing committees; jurisdiction

10 Each legislative instrument or other matter to be referred to committee shall
11 be referred, on the basis of the subject matter contained therein, to the committee
12 having jurisdiction thereof as provided in the following enumeration of subject
13 matter jurisdiction for the committees of the Senate:

14 * * *

15 (3) Education Committee, all matters relating to:

16 (a) Adult education

17 (b) College or university agricultural extension service

18 (c) Colleges and universities

19 (d) Cultural affairs

20 (e) Education generally

21 (f) Educational television

22 (g) Employees of colleges and universities, including pay, except where an
23 appropriation of state funds is required

24 (h) Employees of vocational-technical education schools, including pay,
25 except where an appropriation of state funds is required

26 (i) Museums

27 (j) Preservation of historic landmarks and objects

28 (k) School employees, administrators, teachers, bus drivers, and others

29 (l) School employees' and teachers' pay, except where an appropriation of

1 state funds is required

2 (m) School lunch program

3 (n) Schools and secondary education

4 (o) ~~Schools for the blind~~

5 ~~(p) Schools for the deaf~~ **Special Schools**

6 ~~(q)~~**(p)** State and public libraries

7 ~~(r)~~**(q)** Vocational-technical education

8 * * *

9 (5) Finance Committee, all matters relating to:

10 * * *

11 (i) Each legislative instrument with an estimated fiscal cost, as reflected in
12 the fiscal note prepared in accordance with Joint Rule No. 4, of ~~five~~ **one** hundred
13 thousand dollars or more annually **of state general funds** in any one of the three
14 ensuing fiscal years or with a fiscal cost with, although unspecified in the fiscal note,
15 is indicated in the fiscal note to likely exceed ~~five~~ **one** hundred thousand dollars
16 annually **of state general funds** in any of the three ensuing fiscal years, after initial
17 consideration in committee of subject matter, if different from Finance.

18 * * *

19 (6) Health and Welfare Committee, all matters relating to:

20 * * *

21 (d) ~~Handicapped children's facilities~~ **Facilities for children with disabilities**

22 * * *

23 (i) ~~Mentally retarded institutions and services~~ **Institutions and services for**
24 **persons with intellectual disabilities**

25 * * *

26 (15) Revenue and Fiscal Affairs Committee, all matters relating to:

27 * * *

28 (j) Each legislative instrument which produces a net decrease in taxes or fees
29 **to the state** or produces an increase in taxes or fees **to the state**, as reflected in the

1 fiscal note prepared in accordance with Joint Rule No. 4, of five hundred thousand
 2 dollars or more annually in any one of the three ensuing fiscal years or produces an
 3 increase which, although unspecified in the fiscal note, is indicated in the fiscal note
 4 to likely exceed five hundred thousand dollars annually in any of the three ensuing
 5 fiscal years after initial consideration in the committee of subject matter, if different
 6 from Revenue and Fiscal Affairs.

7 * * *

8 Rule 13.5.1. Legislative instruments with significant fiscal cost; dual committee
 9 referral

10 Each legislative instrument with an estimated fiscal cost, as reflected in the
 11 fiscal note prepared in accordance with Joint Rule No. 4, of one hundred thousand
 12 dollars or more annually **of state general funds** in any one of the three ensuing fiscal
 13 years or with a fiscal cost which, although unspecified in the fiscal note, is indicated
 14 in the fiscal note to likely exceed one hundred thousand dollars annually **of state**
 15 **general funds** in any of the three ensuing fiscal years shall be referred to a standing
 16 committee under the provisions of Rule 13.4, and, if reported, shall be reported in
 17 accordance with the requirements of Rule 13.9. However, after such report, any such
 18 Senate instrument ordered engrossed, immediately following the engrossment order,
 19 and any such House instrument reported favorably or with amendments, immediately
 20 following the reading of such report and action on any amendments reported, shall
 21 be recommitted by the president to the Committee on Finance.

22 Rule 13.5.2. Legislative instruments which produce increases or decreases in taxes
 23 or fees; dual committee referral

24 Each legislative instrument which produces a net decrease in taxes or fees **to**
 25 **the state** or produces an increase in taxes or fees **to the state**, as reflected in the
 26 fiscal note prepared in accordance with Joint Rule No. 4, of five hundred thousand
 27 dollars or more annually in any one of the three ensuing fiscal years or produces an
 28 increase which, although unspecified in the fiscal note, is indicated in the fiscal note
 29 to likely exceed five hundred thousand dollars annually in any of the three ensuing

1 fiscal years shall be referred to a standing committee under the provisions of Rule
 2 13.4, and, if reported, shall be reported in accordance with the requirements of Rule
 3 13.9. However, after such report, any such Senate instrument ordered engrossed,
 4 immediately following the engrossment order, and any such House instrument
 5 reported favorably or with amendments, immediately following the reading of such
 6 report and action on any amendments reported, shall be recommitted by the president
 7 to the Committee on Revenue and Fiscal Affairs.

8 * * *

9 Rule 13.95. Permanent committee records; disposition

10 A. The permanent records of the committee shall include the ~~audio tapes and~~
 11 minutes of each meeting and a file on each instrument received by the committee.
 12 The file on each instrument shall include a copy of the original instrument; a copy
 13 of committee amendments proposed by any member, whether or not adopted, and the
 14 disposition thereof; a copy of any fiscal note, actuarial note, or notice attached to an
 15 instrument at the time of committee consideration; all prepared statements filed with
 16 the committee chairman by members or interested parties; the minutes of the public
 17 hearing held on the instrument and of the meeting at which the committee report
 18 thereon was decided; and a copy of the committee report thereon.

19 B. The minutes, as approved by the committee, and other permanent records
 20 of the committee shall be retained by the Senate staff and shall be public records;
 21 **however the Secretary of the Senate shall be the official custodian of such**
 22 **records.**

23 * * *

24 BE IT FURTHER RESOLVED that Senate Rule Nos. 3.7(D)(5), and 14.7 of the
 25 Rules of Order of the Senate are hereby repealed in their entirety.

26 BE IT FURTHER RESOLVED that this Resolution shall become effective on
 27 August 1, 2014.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Yolanda Dixon.

DIGEST

Amedee (SR 168)

Present Senate rules provide that the Secretary of the Senate shall maintain and distribute an Interim Calendar and requires the Secretary to read the journal daily if it is unavailable.

Proposed Senate rules delete the requirement that the Secretary maintain and distribute an Interim Calendar and deletes references to the Interim Calendar. Provides that the Journal shall be made only available electronically unless a hard copy is specifically requested.

Present Senate rules specify that only one set of proposed amendments to a legislative instrument shall be considered by the Senate at one time. Proposed Senate rules add that proposed floor amendments shall be considered in the order they are received, except that amendments received prior to consideration of the instrument proposed by the lead author of a Senate instrument or the member handling a House instrument shall be considered prior to other proposed floor amendments.

Present Senate rules provide that at the time of referral to committee, the President shall notify the author in writing of the referral and the instrument shall be placed on the Interim Calendar.

Proposed Senate rules delete the requirement that the President notify the author in writing of the referral and specifies that the instrument referral shall be entered on the Joint Legislative Website.

Present Senate rules require that each resolution upon introduction and each bill or joint resolution be read on two separate days before it is committed or amended.

Proposed Senate rules specify that each resolution and each bill or joint resolution be read by title rather than in its entirety.

Present Senate rules specify that each Senate instrument with an estimated fiscal cost of \$100,000 or more in any one of three ensuing fiscal years be recommitted to the Finance committee after initial consideration in the committee of subject matter. Additionally specifies that each legislative instrument which produces a net decrease or increase in taxes or fees be recommitted to Revenue and Fiscal Affairs committee after initial consideration in the committee of subject matter.

Proposed Senate rules retains present rules but additionally provides that the fiscal cost or net decrease or increase in taxes or fees be a fiscal cost to the state in order to be recommitted.

Present Senate rules provide that the permanent records of committees include the audio tapes of each meeting.

Proposed Senate rules delete the requirement of maintaining audio tapes.

Present Senate rules provides for referral of certain legislative instruments relative to students with special needs and "Schools for the Blind" and "Schools for the Deaf" to the Education Committee. Proposed rules retain present rules but revises terminology and amends Senate Rules to reflect the consolidation of those schools into the classification "Special Schools".

Present Senate rules provide, relative to referral of certain instruments to the Health and

Welfare Committee, for those instruments relative to "Handicapped Children Institutions" and "Mentally Retarded Institutions". Proposed rules change the terminology to "Institutions for persons with intellectual disabilities" or "Institutions for persons with physical disabilities".

Proposed Senate rules provides in the regular order and upon third reading and final passage, at the discretion of the President and upon the motion of any member, the Senate may return to the calendar any instrument that is objected to as controversial, referred to under the customs and usage of the Senate, as the "Bagneris Rule". Specifies that the motion to operate under the Bagneris Rule shall be nondebatable and approved upon a majority of the members present and voting. Any instrument returned to the calendar while under the Bagneris Rule shall be placed on the regular calendar in the same numerical order on the next calendar day. Provides that while under the Bagneris Rule, it is in order to consider any instrument after it has been voluntarily or temporarily returned to the calendar without regard to its numerical order.

Proposed Senate rules effective August 1, 2014.

(Amends Senate Rule Nos. 3.7(B)(intro para.) and (B)(4), Senate Rule Nos. 3.7 (C)(2), 8.1, 9.4, 9.5(B), 9.6, 10.9, 10.10, 13.4(3), (5)(i), (6)(d) and (i), 15(j), 13.5.1, 13.5.2, and 13.95; adopts 10.17.1. and repeals Senate Rule Nos. 3.7(D)(5) and 14.7)