SLS 14RS-3206

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 recommital 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),

Page 1 of 10 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. SLS 14RS-3206

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 <del>.</del> :
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>B. Proposed floor amendments shall be considered in the order in which</b>
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

Page 2 of 10 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	The President shall refer each prefiled instrument to the appropriate standing
2	committee in accordance with the Rules of Order of the Senate for presession study,
3	hearing, and consideration of such instrument by the committee. At the time of the
4	referral, the President shall notify the author in writing of the referral of the
5	instrument, naming the committee to which the instrument has been referred. The
6	referral, the date thereof, and the name of the committee of reference shall be entered
7	in the Interim Calendar on the Joint Legislative Website. If a senator notifies the
8	President in writing within ten five days after publication of the referral in the
9	Interim Calendar and distribution of the calendar on the Joint Legislative Website
10	that he objects to the referral and states the reason for his objection, the President
11	may reconsider the referral and may refer to another committee. If the President
12	refers the instrument to another committee, he shall so notify the author and the
13	chairman of both committees affected by his action in writing, and the Secretary
14	shall enter the new referral in the next Interim Calendar on the Joint Legislative
15	<u>Website</u> .
15 16	Website. Rule 9.5. Authority of author to withdraw
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<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	<ul> <li>Rule 9.5. Authority of author to withdraw</li> <li>* * *</li> <li>B. The author of a prefiled instrument may withdraw it at any time prior to introduction by written request to the Secretary. In such case, the Secretary shall reclaim the instrument from the committee and enter its withdrawal in the Interim Calendar on the Joint Legislative Website.</li> <li>Rule 9.6. Presession committee hearings</li> <li>Prior to the session, standing committees may hold hearings and consider prefiled instruments referred to them if copies of such instruments have been made available and distribution of the Interim Calendar indicating entry of the referral</li> </ul>
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	Rule 9.5. Authority of author to withdraw * * * B. The author of a prefiled instrument may withdraw it at any time prior to introduction by written request to the Secretary. In such case, the Secretary shall reclaim the instrument from the committee and enter its withdrawal in the Interim Calendar on the Joint Legislative Website. Rule 9.6. Presession committee hearings Prior to the session, standing committees may hold hearings and consider prefiled instruments referred to them if copies of such instruments have been made available and distribution of the Interim Calendar indicating <u>entry of</u> the referral thereof on the Joint Legislative Website has been made at least ten days before the

Page 3 of 10 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	ten <u>five</u> days after <del>distribution of the Interim Calendar in which the indicating</del> the
2	second referral is entered on the Joint Legislative Website and appears.
3	* * *
4	Rule 10.9. Resolutions; introduction and referral; suspension of laws
5	A. Each resolution shall be read by title upon introduction in the Senate and
6	shall be referred to an appropriate committee on the next legislative day following
7	the day of introduction. The requirement of referral to committee shall not apply to
8	perfunctory resolutions, such as those pertaining to adjournment or to a resolution
9	introduced for the purpose of calling an election for the election of the President
10	pursuant to Rule 3.2, the election of the President Pro Tempore pursuant to Rule 3.4,
11	for the election of the Secretary pursuant to Rule 3.6 or for the election of the
12	Sergeant at Arms pursuant to Rule 3.8. Only a resolution pertaining to notifying the
13	House of Representatives or the governor that the Senate has convened or is ready
14	to adjourn or the holding of a joint session of the legislature may be taken up and
15	acted upon immediately upon introduction. Otherwise, no resolution may be taken
16	up and acted upon until it is listed on the order of the day for that legislative day.
17	* * *
18	Rule 10.10. Commitment or amendment; two prior readings required
19	No bill or joint resolution shall be committed or amended until it has been
20	read by title in open session of the Senate on two separate days.
21	* * *
22	<b>10.17.1. Returning to the calendar; "Bagneris Rule"</b>
23	A. On any legislative day in the regular order and upon third reading
24	and final passage for any instrument, at the discretion of the President and
25	upon the motion of any member, the Senate may return to the calendar any
26	instrument that any member objects to as controversial under the provisions of
27	this rule, which shall be referred to as the "Bagneris Rule".
28	<b>B.</b> The motion to operate under the Bagneris Rule shall be a non-
29	debatable motion and shall be approved by a majority of the members present

1	and voting.
2	<b>C. Any instrument so returned to the calendar under the Bagneris Rule</b>
3	shall be placed on the regular calendar in the same numerical order on the next
4	<u>calendar day.</u>
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	(1) 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 <u>Facilities for children with disabilities</u>
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

Page 6 of 10 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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 $\underline{to}$
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

Page 7 of 10 Coding: Words which are <del>struck through</del> are deletions from existing law; words in **boldface type and underscored** are additions.

## ORIGINAL SR NO. 168

1fiscal years shall be referred to a standing committee under the provisions of Rule213.4, and, if reported, shall be reported in accordance with the requirements of Rule313.9. However, after such report, any such Senate instrument ordered engrossed,4immediately following the engrossment order, and any such House instrument5reported favorably or with amendments, immediately following the reading of such6report and action on any amendments reported, shall be recommitted by the president7to 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 disposition thereof; a copy of any fiscal note, actuarial note, or notice attached to an 14 instrument at the time of committee consideration; all prepared statements filed with 15 16 the committee chairman by members or interested parties; the minutes of the public hearing held on the instrument and of the meeting at which the committee report 17 thereon was decided; and a copy of the committee report thereon. 18

B. The minutes, as approved by the committee, and other permanent records
 of the committee shall be retained by the Senate staff and shall be public records;
 <u>however the Secretary of the Senate shall be the official custodian of such</u>
 <u>records</u>.

23 \*

BE IT FURTHER RESOLVED that Senate Rule Nos. 3.7(D)(5), and 14.7 of the
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)

<u>Present Senate rules</u> 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.

<u>Proposed Senate rules</u> 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. <u>Proposed Senate rules</u> 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.

<u>Present Senate rules</u> 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 Calender.

<u>Proposed Senate rules</u> 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.

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

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

<u>Present Senate rules</u> 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 after initial consideration in the committee after initial consideration.

<u>Proposed Senate rules</u> retains <u>present rules</u> 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.

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

<u>Proposed Senate rules</u> delete the requirement of maintaining audio tapes.

<u>Present Senate rules</u> 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. <u>Proposed rules</u> retain <u>present rules</u> 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

Page 9 of 10 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. Welfare Committee, for those instruments relative to "Handicapped Children Institutions" and "Mentally Retarded Institutions". <u>Proposed rules</u> change the terminology to "Institutions for persons with intellectual disabilities" or "Institutions for persons with physical disabilities".

<u>Proposed Senate rules</u> 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 calender while under the Bagneris Rule shall be placed on the regular calender 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)