

Regular Session, 2014

SENATE RESOLUTION NO. 168

BY SENATOR AMEDEE

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

A RESOLUTION

To amend and readopt the introductory paragraph of Senate Rule No. 3.7(B) 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)(o), (p), and (q), (5)(i), (6)(d) and (i), (8), (9) and (10)(p), (15)(j), (17)(i), (j), (k), (l) and (m), 13.5.1, 13.5.2, 13.95 and 14.3, to adopt Senate Rule Nos. 10.17.1, 13.4(16)(t) and (17)(n) and to repeal Senate Rule Nos. 3.7(D)(5), 13.4(3)(r) and 14.7 of the Rules of Order of the Senate; to delete references to the interim calendar; to provide relative to the duties of the Secretary relative to the interim calendar; to provide for the distribution of the daily journal; to provide for the order or consideration of proposed floor amendments; to provide that resolutions may be read by title upon introduction and printed in the journal by title; to provide for the consideration of certain instruments under the "Bagneris Rule"; to change certain terminology referring to persons with disabilities and other exceptionalities; to provide for the referral and recommittal of certain legislative instruments; to provide for the committee documents which shall be maintained; and to provide for an effective date.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana amends and readopts the introductory paragraph of Senate Rule No. 3.7(B) and (B)(4),

1 Senate Rule Nos. 3.7 (C)(2), 8.1, 9.4, 9.5(B), 9.6, 10.9, 10.10, 13.4(3)(o), (p) and (q), (5)(i),
2 (6)(d) and (i), (8), (9) and (10)(p), (15)(j), (17)(i), (j), (k), (l) and (m), 13.5.1, 13.5.2, 13.95
3 and 14.3, adopts Senate Rule Nos. 10.17.1, 13.4(16)(t) and (17)(n) and repeals Senate Rule
4 Nos. 3.7(D)(5), 13.4(3)(r) and 14.7 of the Rules of Order of the Senate as follows:

5 Rule 3.7. Duties of Secretary

6 * * *

7 B. The Secretary shall exercise the following duties while the Legislature is
8 in session:

9 * * *

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

12 * * *

13 C. The Secretary shall exercise the following additional duties while the
14 Senate is convened:

15 * * *

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

21 * * *

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

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

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

* * *

Rule 9.4. Referral to committee

The President shall refer each prefiled instrument to the appropriate standing committee in accordance with the Rules of Order of the Senate for pre-session study, hearing, and consideration of such instrument by the committee. ~~At the time of the referral, the President shall notify the author in writing of the referral of the instrument, naming the committee to which the instrument has been referred.~~ The referral, the date thereof, and the name of the committee of reference shall be entered ~~in the Interim Calendar~~ **on the Joint Legislative Website**. If a senator notifies the President in writing within ~~ten~~ **five** days after publication of the referral ~~in the Interim Calendar and distribution of the calendar~~ **on the Joint Legislative Website** that he objects to the referral and states the reason for his objection, the President may reconsider the referral and may refer to another committee. If the President refers the instrument to another committee, he shall so notify the author and the chairman of both committees affected by his action in writing, and the Secretary shall enter the new referral ~~in the next Interim Calendar~~ **on the Joint Legislative Website**.

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. Pre-session 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~~ **entry of** the referral ~~thereof~~ **on the Joint Legislative Website** has been made at least ten days before the meeting. However, if objection is raised, as provided in Rule 9.4, the original

1 committee of reference shall not consider the instrument. If the President refers the
 2 instrument to another committee, the instrument shall not be considered until at least
 3 ~~ten~~ **five** days after ~~distribution of the Interim Calendar in which the~~ indicating the
 4 second referral **is entered on the Joint Legislative Website and** appears.

5 * * *

6 Rule 10.9. Resolutions; introduction and referral; suspension of laws

7 A. Each resolution shall be read **by title** upon introduction in the Senate and
 8 shall be referred to an appropriate committee on the next legislative day following
 9 the day of introduction. The requirement of referral to committee shall not apply to
 10 perfunctory resolutions, such as those pertaining to adjournment or to a resolution
 11 introduced for the purpose of calling an election for the election of the President
 12 pursuant to Rule 3.2, the election of the President Pro Tempore pursuant to Rule 3.4,
 13 for the election of the Secretary pursuant to Rule 3.6 or for the election of the
 14 Sergeant at Arms pursuant to Rule 3.8. Only a resolution pertaining to notifying the
 15 House of Representatives or the governor that the Senate has convened or is ready
 16 to adjourn or the holding of a joint session of the legislature may be taken up and
 17 acted upon immediately upon introduction. Otherwise, no resolution may be taken
 18 up and acted upon until it is listed on the order of the day for that legislative day.

19 * * *

20 Rule 10.10. Commitment or amendment; two prior readings required

21 No bill or joint resolution shall be committed or amended until it has been
 22 read **by title** in open session of the Senate on two separate days.

23 * * *

24 **10.17.1. Returning to the calendar; "Bagneris Rule"**

25 **A. On any legislative day in the regular order and upon third reading**
 26 **and final passage for any instrument, at the discretion of the President and**
 27 **upon the motion of any member, the Senate may pass over any instrument that**
 28 **any member objects to as controversial under the provisions of this rule, which**
 29 **shall be referred to as the "Bagneris Rule".**

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

2 * * *

3 (d) ~~Handicapped children's facilities~~ **Facilities for children with physical**
4 **disabilities**

5 * * *

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

8 * * *

9 (8) Judiciary A Committee, or

10 (9) Judiciary B Committee, or

11 (10) Judiciary C Committee, all matters relating to:

12 * * *

13 (p) National Guard, **Military affairs generally**, Code of Military Justice, and
14 the Adjutant General

15 * * *

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

17 * * *

18 (j) Each legislative instrument which produces a net decrease in taxes or fees
19 **of the state or any political subdivision whose boundaries are coterminous with**

20 **those of the state** or produces an increase in taxes or fees **to the state or to any**
21 **political subdivision whose boundaries are coterminous with those of the state,**

22 as reflected in the fiscal note prepared in accordance with Joint Rule No. 4, of five
23 hundred thousand dollars or more annually in any one of the three ensuing fiscal
24 years or produces an increase which, although unspecified in the fiscal note, is
25 indicated in the fiscal note to likely exceed five hundred thousand dollars annually
26 in any of the three ensuing fiscal years after initial consideration in the committee
27 of subject matter, if different from Revenue and Fiscal Affairs.

28 * * *

29 (16) Senate and Governmental Affairs Committee, all matters relating to:

* * *

(t) State buildings generally, including naming of state buildings

(17) Transportation, Highways and Public Works Committee, all matters relating to:

* * *

~~(i) Public works~~ **Ports**

~~(j) Railroads~~ **Public works**

~~(k) Rules and regulations for highway, railroad, and air use~~ **Railroads**

~~(l) Transportation, highways, and public works in general~~ **Rules and Regulations for highway, railroad, and air use**

~~(m) Water conservation districts~~ **Transportation, highways, and public works in general**

(n) Water conservation districts

* * *

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

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

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

3 Each legislative instrument which produces a net decrease in taxes or fees of
4 the state or any political subdivision whose boundaries are coterminous with
5 those of the state or produces an increase in taxes or fees to the state or to any
6 political subdivision whose boundaries are coterminous with those of the state,
7 as reflected in the fiscal note prepared in accordance with Joint Rule No. 4, of five
8 hundred thousand dollars or more annually in any one of the three ensuing fiscal
9 years or produces an increase which, although unspecified in the fiscal note, is
10 indicated in the fiscal note to likely exceed five hundred thousand dollars annually
11 in any of the three ensuing fiscal years shall be referred to a standing committee
12 under the provisions of Rule 13.4, and, if reported, shall be reported in accordance
13 with the requirements of Rule 13.9. However, after such report, any such Senate
14 instrument ordered engrossed, immediately following the engrossment order, and
15 any such House instrument reported favorably or with amendments, immediately
16 following the reading of such report and action on any amendments reported, shall
17 be recommitted by the president to the Committee on Revenue and Fiscal Affairs.

18 * * *

19 Rule 13.95. Permanent committee records; disposition

20 A. The permanent records of the committee shall include the ~~audio tapes and~~
21 minutes of each meeting and a file on each instrument received by the committee.
22 The file on each instrument shall include a copy of the original instrument; a copy
23 of committee amendments proposed by any member, whether or not adopted, and the
24 disposition thereof; a copy of any fiscal note, actuarial note, or notice attached to an
25 instrument at the time of committee consideration; all prepared statements filed with
26 the committee chairman by members or interested parties; the minutes of the public
27 hearing held on the instrument and of the meeting at which the committee report
28 thereon was decided; and a copy of the committee report thereon.

29 B. The minutes, as approved by the committee, and other permanent records

1 of the committee shall be retained by the Senate staff and shall be public records;
 2 **however the Secretary of the Senate shall be the official custodian of such**
 3 **records.**

4 * * *

5 Rule 14.3. Journal; legislative instruments to be entered, form

6 The author(s) and the title of each bill ~~or~~ joint resolution ~~and the full text of~~
 7 ~~each~~ resolution or concurrent resolution introduced in the Senate shall be printed in
 8 the Journal for the day on which the instrument was introduced. The title of the
 9 instrument shall accompany each Journal entry of subsequent action taken upon the
 10 instrument. ~~Each~~ **The title of each** resolution, concurrent resolution, and joint
 11 resolution which originates in the Senate and which is ordered enrolled shall be
 12 printed in full in the Journal, as enrolled, as part of the report on enrollments of the
 13 Senate and Governmental Affairs Committee.

14 BE IT FURTHER RESOLVED that Senate Rule Nos. 3.7(D)(5), 13.4(3)(r), and 14.7
 15 of the Rules of Order of the Senate are hereby repealed in their entirety.

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

The original instrument was prepared by Yolanda Dixon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ashley Menou.

DIGEST

Amedee

SR No. 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

Calender.

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 provide that Judiciary C Committee will be referred all matters relating to military affairs.

Proposed Senate rules provide that Revenue and Fiscal Affairs Committee will be referred, among other items, each instrument that produces a net decrease in taxes or fees of the state or any political subdivision whose boundaries are coterminous with those of the state or produces an increase in taxes or fees to the state or to any political subdivision whose boundaries are coterminous with those of the state, as reflected in the fiscal note of \$500,000 or more annually in any one of the three ensuing fiscal years or produces an increase which, although unspecified in the fiscal note, is indicated in the fiscal note to likely exceed \$500,000 annually in any one of the three ensuing fiscal years after initial consideration if in a different committee than Revenue and Fiscal Affairs.

Proposed Senate rules provide that Senate and Governmental Affairs Committee will be referred all matters relating to state buildings, including the naming of state buildings.

Proposed Senate rules provide that Transportation and Public Works Committees will be referred all matters relating to ports, public works, railroads, rules and regulations for

highway, railroad, and air use, transportation, highways, and public works in general, and water conservation districts.

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 pass over 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 nondebateable and approved upon a majority of the members present and voting. Any instrument passed over 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 provide that only the title of each resolution, concurrent resolution, and joint resolution originating in the Senate will be printed in the journal.

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)(o), (p) and (q), (5)(i), (6)(d) and (i), 17(i), (j), (k), (l) and (m), 15(j), 13.5.1, 13.5.2, 13.95 and 14.3; adopts 10.17.1, 13.4(16)(t) and (17)(n); repeals Senate Rule Nos. 3.7(D)(5),(13.4(3)(r) and 14.7)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Changes the procedure under Bagneris Rule to pass over rather than returning instruments to the calendar that a member objects to as controversial.
2. Deletes provision that under Bagneris Rule it will be in order to consider any instrument without regard to its numerical order.
3. Adds federal funds to the types of funds in the fiscal cost of a bill used to determine if the bill will be sent to the Finance Committee.
4. Provides that Judiciary C Committee will be referred all matters relating to military affairs.
5. Provides that Revenue and Fiscal Affairs Committee will be referred, among other items, each instrument that produces a net decrease in taxes or fees of the state or any political subdivision whose boundaries are coterminous with those of the state or produces an increase in taxes or fees to the state or to any political subdivision whose boundaries are coterminous with those of the state, as reflected in the fiscal note if the increase is of a certain amount.
6. Provides that Senate and Governmental Affairs Committee will be referred all matters relating to state buildings, including the naming of state buildings.
7. Provides that Transportation, Highways, and Public Works Committee will be referred all matters relating to ports, public works; railroads, rules and regulations for highway, railroad, and air use, transportation, highways and public works in general; and water conservation districts.

8. Provides that only the title of each resolution, concurrent resolution, and joint resolution originating in the Senate will be printed in the journal.
9. Deletes Senate Rule 13.4(3)(r).