

## 2022 SESSION

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### HOUSE RESOLUTION NO. 3

Offered January 12, 2022

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*Establishing the Rules of the House of Delegates for the 2022 - 2023 Sessions of the General Assembly of Virginia.*

Patron—Kilgore

RESOLVED by the House of Delegates, That the House of Delegates shall be governed by the following Rules:

#### I. Organization.

##### Elections.

Rule 1. Voting at elections in the House will be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote will be recorded in the Journal. Except in the case of block voting, only one person will be chosen at a time. If, on the first voting, no one receives a majority, the person having the smallest number of votes will not be voted for on the next voting and so on until someone receives a majority of the whole vote. If the election is by joint vote of the two houses, messages will be exchanged for each voting announcing the names of persons in nomination. A committee of three from each house will compare the votes and ascertain and report the result.

At the election for any judgeship to the Supreme Court of Virginia, the Court of Appeals of Virginia, Circuit Courts, and Courts Not of Record, no nominee will be offered to the House unless that nominee has been interviewed by the House Courts of Justice Committee and subsequently certified as qualified for election. If more than one nominee is offered for any judgeship, a member may cast a vote for only one nominee.

##### The Speaker.

Rule 2. The House of Delegates will choose its own Speaker from among the members of the House. The Speaker will be elected in evennumbered years for a term of two years. The nominations for Speaker will be viva voce without debate and no second will be required to place a name in nomination. Once nominations are closed, the election of the Speaker will be a matter of privilege and will be conducted immediately and will not be debated. The voting for Speaker will be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote will be recorded in the Journal. Each member will vote for only one nominee for Speaker in each round of voting. If, on the first voting, no one receives a majority, the person having the smallest number of votes will not be voted for on the next voting and so on until someone will receive a majority of the whole vote. Once elected, the Speaker will not be removed from office during the term except with the concurrence of twothirds of the elected membership of the House.

The Speaker may appoint to the Chair any member who will exercise its functions for the time. However, no member, by virtue of such appointment, will preside for a longer time than three consecutive days. During such appointment the Speaker may participate in the debates.

If the Speaker is absent and has named no one to act as temporary Speaker, the duties will be performed by the Leader of the Majority Caucus. If the Majority Leader is unable or unwilling to assume the duties of the Speaker, or until the Majority Leader is available, the duties will be performed by the chairman of one of the standing committees taking precedence in the order in which the committees are named in Rule 16. In the event of a vacancy that occurs during a Regular or Special Session, the House shall elect a successor within seven days of notice of the vacancy. The person receiving a majority of the votes of the members present and voting will be deemed to be elected Speaker.

In the event of a vacancy that occurs during the Interim, the Privileges and Elections Committee will convene at a meeting to be called by the chairman or, in the chairman's absence, the vice chairman or a majority of the membership of the committee to elect a Speaker to serve during the vacancy and until a successor is elected by the House at its next session. At least three working days' notice of the time, place, and purpose of the meeting will be given to all members of the committee. The person receiving a majority of the votes of the members of the committee present and voting will be deemed to be elected Speaker. Pursuant to the provisions of this Rule, the Speaker will serve and perform all the duties of the position until a successor is elected by the House at its next session.

Rule 3. The Speaker will take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding legislative day and will immediately call the House to order. After divine services are performed, the Pledge of Allegiance to the Flag of the United States of America

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59 shall be recited, and the roll of members be taken, pursuant to Rule 32, with the names of those  
60 members present entered upon the Journal. A quorum being present, the Speaker will proceed with the  
61 business of the day. The Speaker will have the power to supervise and correct the Journal. The Speaker,  
62 having examined the Journal of the proceedings of the last day's sitting and approved the same, will  
63 announce to the House the approval of the Journal. The Speaker's approval of the Journal will be  
64 deemed to be agreed to subject to a vote on agreeing to the Speaker's approval on the demand of any  
65 member, which vote, if decided in the affirmative, will not be subject to a motion to reconsider. It will  
66 be in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is  
67 not agreed to, and such motion will be determined without debate and will not be subject to a motion to  
68 reconsider. Upon the last day of the session, the Journal for that day being examined and found correct  
69 will be signed by the Speaker and the Clerk. The said Journals, when so signed, will be the authentic  
70 record of the proceedings of the House.

71 Rule 4. The Speaker will have a general direction of the House Chamber with power, in case of  
72 disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the  
73 same cleared. Representatives of news media, wishing to report the proceedings of the House, may be  
74 admitted by the Speaker, who will assign them to such places in the House Chamber as shall not  
75 interfere with the convenience of the members.

76 It is the policy of the House of Delegates, under the direction of the Speaker, to take all reasonable  
77 precautions to ensure the safety of every member, full- and part-time employee, page, intern, visitor, and  
78 guest of the House of Delegates. In accordance with policy, the Speaker may grant approval for a  
79 member to participate via electronic communication means. A member participating in a session of the  
80 House via electronic communication means shall be deemed to be in attendance for purposes of the  
81 quorum requirements under Article IV, Section 8 of the Constitution of Virginia, or any other provision  
82 of the Constitution, regardless of where the member is physically located. A member participating via  
83 electronic communication means shall not be required to open their physical location to the public or the  
84 media.

85 In the event of a disaster, natural or otherwise, or other emergency circumstance, the Speaker may  
86 convene the House in a location other than the House Chamber. In addition, if a motion to reconvene to  
87 a session date and time to be conducted by electronic communication means is adopted by the House by  
88 a 2/3 majority, such session of the House shall be conducted by electronic communication means.  
89 "Electronic communication means" means the use of technology having electrical, digital, magnetic,  
90 wireless, optical, telephonic, electromagnetic, or similar capabilities to transmit or receive information.

91 During the pendency of such disaster or other emergency circumstance, a session of the House may  
92 be conducted by electronic communication means without any requirement that a quorum be physically  
93 assembled in a single location.

94 A member participating in a session of the House conducted via electronic communication means  
95 shall be deemed to be in attendance for purposes of the quorum requirements under Article IV, Section  
96 8 of the Constitution of Virginia, or any other provision of the Constitution, regardless of where the  
97 member is physically located. A member participating in a session of the House conducted via electronic  
98 communication means shall be deemed to be present for any voting requirement under the Constitution  
99 of Virginia and may vote on any matter taken up by the House, regardless of where the member is  
100 physically located. A member participating via electronic communication means shall not be required to  
101 open their physical location to the public or the media.

102 The Clerk, at the direction of the Speaker, shall determine the methods of electronic communication  
103 for any session of the House conducted by electronic communication means, provided that such methods  
104 are designed to enable each member participating by electronic communication means to participate as  
105 the proceedings are occurring.

106 Sessions of the House conducted by electronic communication means shall be made digitally  
107 available to the public.

108 To protect the public health and safety during such disaster or other emergency circumstance, the  
109 Speaker and Clerk may limit access to the physical location from which the Speaker is presiding to  
110 members of the General Assembly and such other persons they deem essential for the proceedings.

111 Notwithstanding Rule 18(e) or any other Rule, during the pendency of such disaster or other  
112 emergency circumstance, the chairman of any standing committee, subcommittee, joint subcommittee,  
113 interim study committee, or other legislative branch public body may conduct a meeting by electronic  
114 communication means under the same conditions and requirements and with the same powers  
115 enumerated above, and without any requirement that a quorum be physically assembled in a single  
116 location. Any member of such standing committee, subcommittee, joint subcommittee, interim study  
117 committee, or other legislative branch public body participating in the meeting by electronic  
118 communication means shall be deemed to be in attendance for purposes of any quorum requirement and  
119 may vote on any matter taken up at the meeting.

120 Whenever a session of the House or any meeting of a standing committee, subcommittee, joint

subcommittee, interim study committee, or other legislative branch public body is conducted by electronic communication means, voting viva voce by response to the call of names shall not be required.

Rule 5. All enrolled bills and joint resolutions proposing amendments to the Constitution will be signed by the Speaker and all writs and warrants issued by order of the House will be under the Speaker's hand and seal, attested by the Clerk.

**The Clerk.**

Rule 6. A Clerk will be elected by the House in evennumbered years and will be deemed to continue in office until another is chosen. In the event of a vacancy, the Speaker may appoint an acting Clerk until a successor is elected by the House or, if the House is not in session, by the Committee on Rules at a meeting to be called by the chairman or, in the chairman's absence, the vice chairman, or a majority of the membership of the committee. At least three working days notice of the time, place, and purpose of the meeting will be given to all members of said committee, and the person receiving a majority of the votes of the members of said committee present and voting will be deemed to be elected to fill said vacancy.

Rule 6(a). The Clerk has the authority, with the approval of the Speaker, to employ personnel necessary to accomplish the work of the House subject to such terms and conditions as deemed appropriate by the Speaker; such personnel may be removed by the Clerk with the approval of the Speaker. The Clerk will be charged with the clerical business of the House and its committees.

Pages will be appointed annually by the Speaker and should be thirteen or fourteen years old at the time of their initial appointment. They will be ineligible for reappointment after serving for two years. The Clerk is responsible for the administration of the Page program.

Rule 6(b). The Clerk will be charged with the duty of assigning each member to a seat in the House Chamber and office space. No seat or office space assigned to and occupied by a member who is reelected will be changed without such member's consent, except that members will be moved to the left or right by the Clerk to maintain contiguity in dividing the Chamber along major party caucuses.

Rule 7. The Clerk will perform all the duties of the office under the direction of the Speaker. The Clerk will keep a journal of the proceedings of the House, have the same in proper form to be signed as provided by Rule 3, and submit it daily to the Speaker in time to be examined before the next assembling of the House. The Clerk will keep at the Clerk's table, during the sittings of the House, a calendar or docket so arranged as to show the condition and progress of the business of the House and will provide to each member before the assembling of the House each day, a printed calendar of pending bills and a list of all bills offered on the preceding day, under Rule 37, with the names of the patrons, titles of the bills, and the committees to which the same have been referred. After amendments have been agreed to by the House, the Clerk will see that they are handled only by the clerks of the standing committees, if referred or rereferred; clerks at the desk; or the clerks charged with the duty of engrossing bills until such amendments have been duly engrossed and verified.

Rule 8. The Clerk will keep accounts of the compensation of the members, officials and employees of the House, and will from time to time certify the same to the Comptroller. The Clerk will provide the stationery required for the business of the House and for the official use of the members and also will provide postage for the official use of the members within the limitations established by the Rules Committee.

Rule 9. The Clerk will provide to the members, when required, vouchers for mileage and expenses; certify such for payment as provided by law; and pay over to those entitled the money due upon such vouchers and will keep detailed accounts of all transactions pursuant to Rules 8 and 9, which will be open to inspection at all times.

**Sergeant at Arms.**

Rule 10. A Sergeant at Arms and doorkeepers will be appointed by the Speaker. The Clerk will be responsible for the administration and duties of these positions.

Rule 11. The Sergeant at Arms will, with the doorkeepers, attend upon the House during its sitting, and execute its commands, together with all such process, issued by its authority, as directed by the Speaker and the Clerk.

Rule 12. The Sergeant at Arms will, under the direction of the Speaker and the Clerk, have charge of the supervision of the Chamber and prevent any interruption of the business of the House by disorder within or without. The Sergeant at Arms will distribute among the members all papers printed for their use and give such attendance upon them during the sittings of the House as will promote their comfort and facilitate the business of the House.

Immediately prior to the convening of every session, the Sergeant at Arms will clear the floor of the House of all persons other than those specified under Rule 83 who are authorized to be there during each session.

Rule 13. The Sergeant at Arms will attend to receiving and dispatching all messages in the House

182 Chamber intended for or sent by members and make such arrangement as to promote the convenience of  
 183 the members and will attend to the display of the Mace during sessions of the House and direct all  
 184 persons not entitled to privileges on the floor of the House to the gallery.

185 **Oaths of Office.**

186 Rule 14. The oaths which the officers of the House are required by law to take will be administered  
 187 and certified by a person authorized to administer oaths and will be filed with the Clerk of the House.

188 **Committees.**

189 Rule 15. The Speaker will appoint all committee members and will designate the chairman and vice  
 190 chairman of each committee provided that no member will be chairman of more than one committee,  
 191 unless a chairman of a standing committee is serving as Speaker pursuant to Rule 2, and no member  
 192 will be vice chairman of more than one committee, as designated in Rule 16. If the chairman and vice  
 193 chairman are absent or excused by the House, one of the members will act as the chairman, taking  
 194 precedence in the order named by the Speaker. The Speaker will serve as chairman of the Committee on  
 195 Rules.

196 Rule 16. There will be appointed standing committees, to be named and to consist of up to the  
 197 number of members indicated below:

198	1.	Privileges and Elections	22 members
199	2.	Courts of Justice	22 members
200	3.	Education	22 members
201	4.	General Laws	22 members
202	5.	Transportation	22 members
203	6.	Finance	22 members
204	7.	Appropriations	22 members
205	8.	Counties, Cities and Towns	22 members
206	9.	Commerce and Energy	22 members
207	10.	Health, Welfare and Institutions	22 members
208	11.	Agriculture, Chesapeake and Natural Resources	22 members
209	12.	Public Safety	22 members
210	13.	Communications, Technology and Innovation	22 members
211	14.	Rules	17 members and the Speaker

212 The Speaker will designate eight members of the House Rules Committee to meet with members of  
 213 the Senate to constitute the Joint Rules Committee.

214 Rule 16(a). Except for the Committee on Rules, membership on all standing committees and  
 215 subcommittees will be contingent upon membership or nonmembership in the majority party caucus. The  
 216 apportionment of members will be according to the same ratio of members in the House of Delegates  
 217 who are members or nonmembers of the majority party caucus. If such ratio would represent a fractional  
 218 number of the committee or subcommittee membership assigned to the majority party caucus, then the  
 219 number of majority party caucus members will be the next highest whole number of committee or  
 220 subcommittee members. For the purposes of this rule only, members who do not caucus with the  
 221 majority party caucus or the largest minority party caucus will be deemed part of the majority party  
 222 caucus.

223 Notwithstanding any other provision of law, the Speaker of the House may appoint two more House  
 224 members to any legislative commission, joint subcommittee of House and Senate committees, or any  
 225 interim study committee than are appointed by the Senate.

226 Rule 16(b). The Speaker shall strive to appoint from each congressional district at least one member  
 227 who represents that congressional district on all standing committees with the exception of Rules.

228 Rule 17. A majority will constitute a quorum for committees. Each committee will meet pursuant to  
 229 a regular meeting schedule as approved by the Speaker. In addition to a committee's regular scheduled  
 230 meeting(s), a committee chairman may call additional meetings. It will be the duty of a committee to  
 231 meet on call of a majority of the committee's members if the chairman is absent or declines to call a  
 232 meeting. However, additional committee meetings may not be scheduled that are in conflict with another  
 233 committee's regularly scheduled meeting time. No committee will meet while the House is in session  
 234 without special leave granted by the Speaker.

235 Rule 17(a). The chairman of any standing committee may appoint subcommittees provided any such  
 236 subcommittee will consist of no fewer than five members, a majority of whom will constitute a quorum  
 237 for the conduct of business. The chairman of any standing committee may serve as an ex-officio  
 238 member of any such subcommittee, however the chairman may vote on questions before the  
 239 subcommittee only if a member of the majority caucus is absent from the meeting at the time the  
 240 question is before the subcommittee.

241 Rule 17(b). The chairman of any standing committee may appoint ad hoc subcommittees of less than  
 242 five members to consider no more than one bill or resolution, a majority of whom will constitute a  
 243 quorum to conduct business.

244 Rule 17(c). With the exception of Fridays, on days when the House is in session between the hours

of 8:30 a.m. and 4:00 p.m., no subcommittee of a standing committee except for the Appropriations or Rules Committees, will meet opposite a standing committee unless the parent committee foregoes meeting at its designated time to allow its subcommittees to meet, or as authorized by the Speaker. Subcommittees of standing committees may meet after the House has adjourned for the day on Fridays and weekends upon call of the chairman to consider any such matter as may have been referred to them.

Rule 18. The several standing committees will consider matters specially referred to them and, whenever practicable, suggest such legislation as may be germane to the duties of the committee. The chairman will have discretion to determine when, and if, legislation will be heard before the committee and may refer legislation for consideration to a subcommittee. If referred to a subcommittee, the legislation will be considered by the subcommittee. If the subcommittee does not recommend such legislation by a majority vote, the chairman need not consider the legislation in the full committee. It will be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in its charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare.

Any committee of the House may, at its discretion, confer with a committee of the Senate having under consideration the same subject.

Rule 18(a). When a question is before the committee, no motion will be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend or incorporate, strike from the docket, or report; which several motions will have precedence in the order in which they are arranged and each such motion will be required to be seconded.

The Committee on Rules may, on a vote of a majority of the members appointed plus one, send a bill, joint resolution, or resolution to the floor on a motion that "the bill, joint resolution, or resolution be reported to the floor by the committee without specific recommendation." This motion is a special motion and can only be made in the Committee on Rules.

When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side provided it be made on the same day or if such motion has not been communicated to the House, such motion may be made no later than the adjournment of the next regularly scheduled meeting of the full committee, except for those measures continued pursuant to Rule 22.

Rule 18(b). Committees will in all cases report by bill or resolution, with or without amendment or amendments, in such form that, if passed or agreed to, it will carry into effect their recommendations; but no papers returned therewith will be printed unless the committee will so recommend. Every bill will be printed, as provided in Rule 37. Bills may be considered in executive session, but final vote thereon will be in open session.

Rule 18(c). A recorded vote of members of a committee or subcommittee will be taken and the name and number of those voting for, against, or abstaining will be taken upon each measure using an electronic voting system, unless inoperable, in which case the Clerk will record the vote by response to the call of names arranged and called in the order named except that the Chair will be called last. Such recorded vote will be reported with the bill or resolution and ordered printed on the Calendar on any matter reported from committee and sent to the floor, including those measures reported and referred.

A recorded vote of members will not be required on a motion to adjourn, a motion to refer or rerefer administratively, or a motion to pass by for the day or postpone for a specified time or purpose, except upon the call of the chairman or the desire of one-fifth of the members present.

Rule 18(d). Reports of the committees may be handed to the Clerk at any time and may be disposed of in the morning hour. If, in the judgment of the Speaker, any report of a committee requires immediate action it may be brought to the attention of the House at any time.

Rule 18(e). No member will be excluded from any meeting of a committee, subcommittee, joint subcommittee, or interim study committee except as hereinafter provided for the maintenance of order. If an electronic meeting is authorized by the chairman, no member will be excluded from participating by electronic communication means, and members participating by electronic communication means will not be counted in attendance for purposes of a quorum. The chairman of the committee will maintain order and decorum, and the business of the committee will be conducted at all times in accordance with the Rules of the House.

Rule 19. The chairman or, in the chairman's absence, the vice chairman, or the majority of the membership of the committee, may call meetings of the committee to study, call hearings, and consider any bill or resolution, or to consider such other matters as may be germane to the duties of the committee.

Rule 20. The chairman of any standing committee is authorized, with the prior approval of the Speaker, to hire, employ, engage or retain such additional clerks, counsel and other staff personnel,

306 whose function will be to participate with such committees or subcommittees thereof in reviewing  
307 legislation, rules, House policy, or in performing any referred study or study initiated by the committee  
308 or its chairman.

309 For this purpose and for such other expenses as may be occasioned by the conduct of any committee  
310 study, payments will be made from the general appropriations to the House of Delegates.

311 Persons who are asked by a committee chairman to appear before a committee or subcommittee to  
312 offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved  
313 by the chairman and the Speaker.

314 Rule 21. The conduct of the business of any subcommittee of any House committee, any joint  
315 subcommittee of House and Senate committees, and any interim study committee created by a House  
316 measure will be governed in accordance with the Rules of the House. If a House measure and a Senate  
317 measure create the same study, the conduct of business of the study will be governed by the rules of the  
318 house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon  
319 by the co-chairmen.

320 Rule 22. Any bill or resolution introduced in an evennumbered year and not reported to the House of  
321 Delegates by the committee to which it has been referred, may be continued on the agenda of the  
322 committee for hearings and committee action during the interim between regular sessions and not  
323 otherwise. The committee will report, prior to the adjournment sine die of the House of Delegates, such  
324 bills or resolutions as will be continued and the Clerk of the House of Delegates will enter upon the  
325 Journal the fact that such bill or resolution has been continued. Any bill or resolution that has been  
326 continued and subsequently reported from a committee will be placed upon the Calendar of the House  
327 of Delegates.

328 The House of Delegates, upon consideration of any bill or resolution on the Calendar, may rerefer  
329 the bill to the committee reporting the same and direct the committee to continue the bill or resolution  
330 until the following oddnumbered year regular session and hold such hearings and render such further  
331 consideration of the bill or resolution as the committee may deem proper.

332 (The provisions of any rule relating to legislative continuity between sessions will be subject to the  
333 provisions of Article IV, Section 7 of the Constitution of Virginia.)

#### 334 **Standards of Conduct.**

335 Rule 23. There will be a subcommittee on Standards of Conduct of the Rules Committee consisting  
336 of four members, two of whom will be members of the majority caucus and two of whom will be  
337 nonmembers of the majority caucus, appointed by the chairman, which may review annually members'  
338 statements of economic interests and consider any request by a member for an advisory opinion with  
339 respect to the general propriety of any current or proposed conduct of such member.

340 Rule 23(a). The House Committee on Rules will establish, by majority vote, a formal policy for the  
341 training, reporting, investigating, and resolving of issues of harassment. The Committee may amend the  
342 policy from time to time as appropriate. Copies of the approved policy and any changes or amendments  
343 thereof will be provided to every member, full and part-time employee, page, and intern of the Virginia  
344 House of Delegates.

345 Rule 24. The Privileges and Elections Committee will receive and investigate any charges or  
346 complaints brought against any member of the House of Delegates in the performance of their duties or  
347 the discharge of their responsibilities and recommend to the House such action as it may deem  
348 appropriate to establish and enforce standards of conduct for members.

#### 349 **Committee of the Whole.**

350 Rule 25. When the House will go into the Committee of the Whole, the Speaker may vacate the  
351 Chair and appoint a member to preside in Committee; the other officers will attend, and the Rules of the  
352 House will be observed and enforced in Committee, as far as applicable, except that the previous  
353 question will not be ordered.

354 Rule 26. If the Committee of the Whole arise before the consideration of the subject referred is  
355 concluded, the same will be reported back and have its place in order as unfinished business of the  
356 House. When it will be again reached in order, unless it be otherwise disposed of, the House, after  
357 making such orders as it may deem proper in relation to the business before the Committee, will stand  
358 again resolved into the Committee of the Whole, and so on until the business therein be disposed of.

359 Rule 27. Nothing will be in order in the Committee of the Whole except such matters as may be  
360 specially referred to it by the House.

361 Rule 28. Whenever the Committee of the Whole will find itself without a quorum, the chairman will  
362 cause the roll to be called and thereupon the Committee will rise, and the chairman will report the fact  
363 and the names of the absentees, which will be entered upon the Journal of the House.

364 Rule 29. The motion to go into Committee of the Whole, and the motion to discharge the  
365 Committee, will not be debated.

## 366 **II. Attendance and Adjournment.**

### 367 **Attendance.**

Rule 30. No member will be absent from the service of the House unless granted leave by the Speaker or if the member is sick or otherwise unable to attend. Such leave will be entered upon the Journal.

Rule 31. Any ten members or more including the Speaker, if there is one, and the Speaker is present, will be authorized to compel the attendance of absent members by a call of the House.

Rule 32. The roll of the House will be taken by the use of the electronic voting system or, if it is inoperable, by viva voce by response to the call of names arranged and called in alphabetical order except that the Speaker will be called last.

Rule 33. The electronic voting system may be used for a call of the House; however, if it is inoperable, the call of the House will be by viva voce, the names of the members will be first called over by the Clerk, and the absentees noted; after which the names of the absentees will be again called over. The doors will then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if ten in number, be taken into custody as they appear or may be sent for and taken into custody, wherever to be found, by the Sergeant at Arms or the doorkeepers, or by special messengers to be appointed for that purpose.

Rule 34. When a member is discharged from custody and admitted to their seat the House will determine whether such discharge will be with or without payment of fees and expenses.

#### **Adjournment.**

Rule 35. Any member or members may adjourn from day to day. A motion to adjourn and a motion to fix the time for which the House will adjourn will always be in order and be decided without debate.

### **III. Introduction of Business.**

#### **Messages, Reports, and Communications.**

Rule 36. Messages from the Governor and reports and communications from any other public officer or agent may be received at any time. If, in the judgment of the Speaker, they require immediate action, they may be brought at once to the attention of the House. Otherwise, they will lie upon the Speaker's table and be disposed of in the morning hour. The same rule will be observed with regard to messages from the Senate.

#### **Introducing Legislation.**

Rule 37. Members having bills or resolutions to present may, at any time pursuant to agreed upon deadlines, electronically file (e-file) such legislation via the Bill Drafting System or manually file such legislation with the Clerk, endorsed by one or more members with their names. Any bill or joint resolution introduced in the House may show as "Senate Patrons" the signatures or electronic signatures of members of the Senate. Any bill, joint resolution, or resolution manually filed prior to the commencement of the session in which it is to be considered may have the names of copatrons signed to the measure by the chief patron, provided that each such copatron expressly authorized the chief patron to sign for such copatron and the chief patron plainly marks such signatures on the original copy of the measure as being signed by the chief patron. Any bill, joint resolution, or resolution e-filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons added electronically via the Bill Drafting System.

In an even-numbered year, members are limited to introduction of five bills after the period for prefilings ends. In an odd-numbered year, members are limited to a total of 15 bills during the Regular Session, whether prefiling or not.

No bill expressly amending an existing law will be offered by any member unless or until the e-filed or manually filed copy has been prepared so as to indicate deletions and additions. The form for deletions and additions will set forth the material deleted with lines through such material and by underscoring the words added, before they are received in the Senate or House of Delegates. The stricken material and underscorings or italics in the printed bills, enrolled bills, and printed Acts will not be considered evidence of all amendments to any bill or existing statute but merely as an aid for quick reference to amended portions. Nothing herein contained will be construed as requiring the use of stricken material or underscoring where new words are substituted for existing words and the new words or the omission of words do not change the sense or meaning of the act.

The Clerk will, under the direction of the Speaker, refer all such legislation to the proper committee and enter the fact, with the names of the members presenting them, upon the Journal. Such bills will be printed, unless otherwise ordered by the House, and numbered in the order in which they are filed with the Clerk.

The Speaker will review all legislation introduced in the House or communicated to the House for its action to determine if such legislation is in conflict with Article IV, Section 12 of the Constitution of Virginia. If such legislation is determined to be in conflict, the Speaker may withhold committee referral of the legislation.

The designation of "House Bill," "House Joint Resolution," or "House Resolution" will not be changed after a bill or resolution is introduced in the House. Nor will the designation of "Senate Bill" or

429 "Senate Joint Resolution" be changed or amended after the bill or resolution is received by the House.  
430 In addition, no bill or resolution introduced for a purpose other than to direct or request a study shall be  
431 amended for the purpose of directing or requesting a study unless authorized by unanimous consent of  
432 the members of the House.

433 Rule 38. No bill, joint resolution, or resolution calling for information from the Governor or other  
434 public officer or agent will be introduced, considered, or acted upon otherwise than is provided by Rule  
435 37 and will not be acted upon until it will have been examined and reported upon by a committee.

436 Rule 39. Any other resolution or motion upon which a member may desire the judgment of the  
437 House, or any action other than a reference to a standing committee, may be presented to the House in  
438 the morning hour after the business on the Speaker's table is disposed of. A recorded vote is required on  
439 a resolution authorizing a study or an expenditure of funds. To obtain immediate consideration of any  
440 resolution other than a procedural or a memorial or commending resolution, without reference to a  
441 standing committee, the vote of twothirds of the members elected, as required by Rule 81, will be a  
442 recorded vote.

443 Rule 39(a). All memorial or commending joint resolutions or resolutions will conform to the  
444 procedure set forth by the Clerk of the House and will not be referred under Rule 37, unless so ordered  
445 by the Speaker or by majority vote of the House on motion of a member, but will be placed on the  
446 Calendar.

447 Rule 39(b). No resolution shall be considered that would have the effect of bypassing the process by  
448 which the Rules of the House of Delegates may be changed.

#### 449 **IV. Order of Business.**

##### 450 **The Morning Hour.**

451 Rule 40. After the approval and signing of the Journal, a time, to be called the morning hour, will be  
452 devoted to the dispatch of business upon the Speaker's table and to motions and resolutions presented  
453 under Rule 39. The business on the Speaker's table will be disposed of in such order as the Speaker  
454 deems best, except as may be herein otherwise provided, or as the House may at any time order by a  
455 majority vote of the members elected. The morning hour will be limited to no more than 60 minutes  
456 unless otherwise ordered by the Speaker or a majority vote of the members elected.

457 The order of business for the morning hour as pronounced by the Speaker will be as follows, unless  
458 otherwise directed by the Speaker:

459 · announcements and communications by the Clerk; announcements by members; introduction of  
460 guests by members; motions to adjourn in the honor of and/or honor and memory of; motions to take up  
461 out of order certain memorial or commending resolutions; motions to dispense with constitutional  
462 readings of certain legislation; motions for reconsideration; and announcements by the Speaker of leaves  
463 of absence per House practice;

464 · announcement by the Clerk of member requests to move legislation from any Uncontested Calendar  
465 to Regular Calendar per House practice [any relevant legislation not announced may still be moved  
466 when considered under the regular order of business pursuant to Rule 49];

467 · announcement by the Clerk relating to a list of legislation to go By for the Day subsequent to  
468 agreement of the motion by the Majority Leader for such legislation to go By for the Day and any  
469 additional motions from members for legislation to go By for the Day [any relevant legislation may still  
470 be subject to a motion to go By for the Day or any other applicable motion when considered under the  
471 regular order of business pursuant to Rule 49];

472 · recognition of members for points of personal privilege; however, the Speaker may order a time  
473 limitation on members' points of personal privilege or the House may order a time limit on members'  
474 points of personal privilege by a vote of a majority of the members elected; and

475 · the Speaker may proceed with or return to any Morning Hour sub category if requested by a  
476 member or will return if ordered by a majority vote of the members elected.

477 Pursuant to Rule 49, the Calendar will be called at the expiration of the Morning Hour unless  
478 otherwise directed by a previously agreed to special order or joint order, or when ordered by the House  
479 by a majority vote of the members elected and such motion will be in order at any time during the  
480 Morning Hour.

481 Rule 41. The annual message of the Governor will be laid before the House as soon as it is received.  
482 It will be printed for the use of the House and be considered by the several standing committees without  
483 any special order therefor.

484 Rule 42. All other messages from the Governor may be referred by the Speaker to the proper  
485 committees. The same rule will be observed as to reports and communications from other public  
486 officers.

487 Rule 43. Bills and resolutions originating in the Senate and not requiring immediate action will be  
488 read or printed on the Calendar by title the first time when received and referred to their appropriate  
489 committees, unless the House directs otherwise.

490 Rule 44. All bills reported from committee, pursuant to Rule 18(c), will be transferred to the



Calendar and the reading or printing on the Calendar of the titles as reported will constitute the first reading or printing of the House bills and the second reading or printing of the Senate bills as required by the Constitution.

Rule 45. All other reports from committees will be considered and disposed of in the order in which the Speaker presents them, unless the House directs otherwise.

Rule 46. A member presenting a resolution under Rule 39 will be allowed five minutes in which to explain their wishes in relation to it, after which the question on referring to a standing committee will be taken without debate.

Rule 47. Printing recommended by committees under Rule 18(b) will be ordered by the Speaker, unless the House directs otherwise.

Rule 48. Once the morning hour expires, the House will proceed to the business of the House as defined in Rule 49; however, the Speaker will be permitted, without objection, to return to the morning hour for the purpose of recognizing any distinguished visitor or other individual defined in Rule 83 that may be present and seated on the floor or in the gallery.

#### **The Calendar.**

Rule 49. At the expiration of the morning hour, the House will proceed to consider bills, joint resolutions, and resolutions on the Calendar or any Supplemental Calendar which will be arranged in the following order:

1. Senate bills on third reading.
2. House bills on third reading.
3. House bills on second reading.
4. House bills and joint resolutions returned from Senate with amendments.
5. Resolutions.
6. Memorial and commending resolutions.
7. House bills returned by Governor without approval.
8. House bills returned by Governor with recommendations.
9. Senate bills returned by Governor without approval.
10. Senate bills returned by Governor with recommendations.
11. House bills and resolutions in conference.
12. Senate bills and resolutions in conference.
13. Unfinished business - House and Senate bills and joint resolutions.
14. Senate bills on second reading.
15. House bills on first reading.
16. Resolutions reported.
17. Senate bills and joint resolutions referred.
18. Bills referred.
19. Resolutions referred.
20. Resolutions presented.

The House may direct that bills and resolutions of either house be divided between the designations "Uncontested Calendar" and "Regular Calendar" and be considered in such order. When such a division is directed for bills and resolutions on the Calendar, the Uncontested Calendar will not include any bill or resolution (i) which received a dissenting vote or an abstention in committee, (ii) to which objection is made by any member, or (iii) if any nontechnical floor amendment or any floor amendment in the nature of a substitute is offered. Any bill or resolution will be removed from the Uncontested Calendar and placed on the Regular Calendar at the request of any member rising from their seat for that purpose and stating the request for such legislation to be moved. Once legislation is moved to the Regular Calendar there it will remain.

A Pro Forma Calendar prepared for a pro forma session of the House can contain only new legislation reported from committee and Senate Bills on 1st Reading and Referred.

Supplemental Calendars may be prepared for consideration while the House remains in Session for the day and will be considered when called by the Speaker. Any Supplemental Calendar and the measures contained therein will be considered in the same manner as measures on the Calendar.

Rule 50. It will be the duty of the Clerk to see that the printing and engrossing, when ordered, will be done in such time that the bills and resolutions may be acted on according to their priorities on the Calendar.

Rule 51. If any bill or resolution is not ready for consideration when it is reached on the Calendar category it will be passed by temporarily and be allowed to retain its position on the Calendar. When the Calendar category has been called through, it may be called again in order to dispose of any business that may then be ready; otherwise it will be passed by for the day. Upon completion of the business on the Calendar, the business of the morning hour will be resumed.

Rule 52. The regular order of business herein established will not be changed, nor will any special

order be made, except by vote of twothirds of the members present. However, a majority may postpone the Calendar not exceeding one day at a time, or postpone for a specified time or purpose any subject coming up in order without changing its place, or agree to a joint order with the Senate, or postpone or discharge any special order.

## **V. Conduct of Business.**

### **Order and Decorum.**

Rule 53. The Speaker will preserve order and decorum, may speak to points of order in preference to other members, rising from their seat for that purpose, and will decide questions of order without debate, subject to an appeal to the House. If the decision relates to a question of decorum or propriety of conduct, it will not be debatable; if it relates to the priority of business or the relevancy or applicability of propositions, the appeal may be debated, but no member will speak on it more than once except by leave of the House.

Rule 54. When a member rises to speak the member will respectfully address, "Mister or Madam Speaker," standing in their place, and will confine their remarks strictly to the question before the House, and when finished, will be seated.

Rule 54(a). The title "Delegate" will be used to address another member during any floor session.

Rule 55. When two or more members request to speak or rise at the same time the Speaker will name the person to speak.

Rule 56. Every motion or proposition will be reduced to writing, if desired by the Speaker or any member, and will be delivered at the Clerk's table to be there read; and the question will be stated by the Chair before the same will be debated. When the reading of any paper in possession of the House, not being the precise matter upon which the House is acting, is called for, and objection is made by any member, the question will be determined by a vote of the House without debate. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider which will not be withdrawn without leave of the House.

Rule 57. No member will in debate use any language or gesture calculated to wound, offend, or insult another member.

Rule 58. If any member, in speaking, transgress the Rules of the House, the Speaker will, or any member may, call the member to order; in which case the member called to order will immediately be seated unless permitted to explain. If there be no appeal, the decision of the Chair will be final. If the decision be in favor of the member called to order, the member will be at liberty to proceed; otherwise, they will not proceed, except by leave of the House. For frequent or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member will be liable to the censure of the House.

Rule 59. If any member be called to order by another member for words spoken, the words excepted to will be immediately taken down in writing in order that the Speaker and House may be better able to judge the matter.

Rule 60. No member will, while the House is sitting, interrupt or hinder its business by standing up, leaving their place, moving about the Chamber, engaging in conversation, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder and confusion.

Rule 61. No member will speak more than once on any question until all others have spoken who desire to do so, nor more than twice, without the consent of a majority of the members present.

### **Ascertaining the Question.**

Rule 62. If the question for decision includes several distinct propositions any member may have the same divided, but a motion to strike out and insert will not be so divided; nor will a motion to strike out, being lost, preclude either amendment or a motion to strike out and insert. In filling blanks, the question will be put first upon the largest sum and the longest time or the broadest question.

Rule 62(a). No motion or proposition, or subject different from that under consideration, will be admitted under color of amendment.

Rule 62(b). The Speaker will determine all questions of germaneness relevant to any legislation under consideration by the House including House legislation and any amendments thereto communicated by the Senate or the Governor to the House for its action.

Rule 63. When a question is before the House, no motion will be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend, or strike from the Calendar, which several motions will have precedence in the order in which they are arranged.

Rule 64. Upon the motion to pass by indefinitely, the mover will be allowed two minutes to state the reason for their motion, and one member opposed to the motion will be allowed a like time to object. The motion to lay upon the table, for the previous question, and for the pending question will not be debated; nor will debate be allowed on a motion to take up a subject from the table or to reconsider any question which was not debated. When a question not debatable is before the House all incidental

questions arising after it is stated to the House will be decided and settled, whether on appeal or otherwise, without debate; and the same rule will apply to incidental questions rising after any question is put to the House.

#### **Pending and Previous Questions.**

Rule 65. Pending a debate, any member who obtains the floor for the purpose only, and submits no other motion or remark, may move for the "previous question" or the "pending question," and in either case the motion will be forthwith put to the House. Twothirds of the members present will be required to order the main question; however, a majority may require an immediate vote upon the pending question, whatever it may be.

Rule 66. The previous question will be in this form: "Will the main question now be put?" If carried, its effect will be to put an end to all debate and bring the House to a direct vote upon a motion to refer or rerefer, if pending; then upon amendments reported by a committee, if any; then upon pending amendments; and then upon the main question. If upon the motion for the previous question, the main question be not ordered, debate may continue as if the motion had not been made.

#### **Taking the Vote.**

Rule 67. The Speaker will rise to put a question, but may state it sitting. Questions will be distinctly put in substantially the following forms, viz.: "As many as agree that, etc. (as the question may be), say 'Aye,' " and "Those opposed say 'No.' " If the Speaker doubts or a division is called for, the House will divide with those in the affirmative of the question rising first from their seats and afterwards those in the negative, or by a show of hands in the affirmative and then in the negative. If required, the Speaker will cause the result to be ascertained by a count.

Rule 68. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition but, being refused, they will not be again demanded on the same question. Any member will have a right to vote at any time before the decision is announced by the Chair.

Rule 69. Upon a division of the House on any question, a member who is present and fails to vote will on the demand of any member be counted on the negative of the question and when the yeas and nays are taken will, in addition, be entered on the Journal as present and not voting. However, no member who has an immediate and personal interest in the result of the question will either vote or be counted upon it.

#### **Reconsideration.**

Rule 70. When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided it be made on the same day or within the next two days of actual session, as long as such action has not been communicated to the Senate or the Governor. The motion may be entered as a matter of privilege and will take precedence of everything except special orders and other questions of privilege and be disposed of in the morning hour or with the Calendar, as the case may be. All motions to reconsider will be decided by a majority of the votes of the members present.

#### **Bills and Amendments.**

Rule 71. Every bill will be read or printed on the Calendar by title on three different calendar days in the House previous to its being passed, and it will be distinctly announced or set out at each reading or printing on the Calendar, whether it is the first, second, or third time. A bill may be referred or rereferred at any time before its passage.

Rule 72. The first reading or printing on the Calendar of the House bill will be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it will go to second reading or printing on the Calendar without a question. The second reading or printing on the Calendar of a Senate bill will be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it will go to third reading or printing on the Calendar without a question.

Rule 73. Upon the second reading or printing on the Calendar of a House bill it will be open to amendment or to referral or rereferral or to any of the motions provided for in Rule 63, and the final question will be "Whether it will be engrossed and read or printed on the Calendar a third time?" Upon the third reading or printing on the Calendar of a Senate bill it will be open to amendment or to referral or rereferral or to any of the motions provided in Rule 63.

The Speaker may direct by notice to the House, or the House may determine by a majority vote, that there will be a deadline for the submission of any proposed floor amendment or floor amendment in the nature of a substitute (floor substitute) to the House version of the Budget Bill(s). The deadline for submission of any floor amendment or floor substitute will be 24 hours prior to the commencement of the Special Order set for the consideration of the Budget Bill(s). Any floor amendment or floor substitute offered after the deadline for submission may be considered if (i) it is an amendment that has been approved by the Committee on Appropriations or (ii) it is offered as a technical amendment or

clarifying amendment to a previously submitted floor amendment or floor substitute and is germane to the purpose of the original floor amendment or floor substitute.

Rule 74. A House bill ordered to be engrossed will not have its third reading or printing on the Calendar until the engrossment is actually and properly done. However, in the case of a Senate bill, the engrossment will only apply to such amendments as may have been made in the House.

Rule 75. A House bill on its third reading will not be open for debate; however, any member may be recognized to speak to the legislation or offer motions. No amendment to a House bill will be received upon its third reading or printing on the Calendar by way of rider or otherwise, and no amendment involving an additional appropriation will be added to the general appropriation bill, and no amendment to increase any tax will be added to any tax measure, unless either such amendment be to carry into effect an existing law or unless it received the vote required to pass the bill itself. A Senate amendment to a House bill to be concurred in, or a conference report to be adopted, must receive the same recorded vote as required to pass the bill itself. A Senate amendment to a House bill that is ruled not germane shall be communicated to the Senate with the same effect as if the House rejected the amendment.

Rule 75(a). If the Senate refuses to concur in the amendments of the House and so communicates such action to the House, the House may vote to recede from its amendments and subsequently pass the legislation in the form originally passed by the Senate or insist on its amendments and request a committee of conference with the Senate. Conversely, the House in considering Senate amendments to House legislation will wait for communication by the Senate that they have voted to insist on their amendments and request a committee of conference whereby the House may agree to the request for a committee of conference.

Rule 75(b). Upon an affirmative vote to form a committee of conference, the Speaker will appoint the House membership to the committee. A majority of the members of each house on the committee of conference will agree to the committee of conference report prior to its submission and consideration by the House. If a committee of conference is unable to reach agreement and reports such action to the House, the Speaker may appoint new conferees or, upon the motion of a member and an affirmative vote of the House, a new set of conferees will be appointed. In addition, if a committee of conference report is considered and rejected, the House may agree by a majority vote of the members present to request an additional committee of conference.

Rule 75(c). Any conference committee on the Budget Bill will complete its deliberations and make the report of such conference available to the House as soon as practicable. The House will consider such conference report no earlier than 48 hours after receipt, unless the House determines to proceed earlier by a vote of two-thirds of the members voting. The conference report will clearly state the funding of any nonstate agencies, any item that was not included in the Budget Bill as passed by either house, and any provisions from legislation that failed during that session.

Rule 76. On the third reading or printing on the Calendar of a bill, the question will be, "Shall the bill pass?"

Rule 77. The title of a bill and all amendments offered will be entered upon the Journal, except that amendments in the nature of substitutes may be printed separately and only the titles thereof entered upon the Journal.

#### **Withdrawals of Exhibits.**

Rule 78. Original papers, filed as exhibits with any bill or resolution, may be withdrawn by the patron or attested copies may be left, for which the patron will pay the Clerk at the rate provided by law for other copies made.

#### **Messages.**

Rule 79. It will be the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate or upon matters requiring the concurrence of that body; however, no such communication will be made in relation to any action of the House while it remains open for consideration.

#### **Manual and Rules.**

Rule 80. The rules of parliamentary practice comprised in Jefferson's Manual will govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules of the House and such joint rules as are or may from time to time be established by the two houses of the General Assembly.

Rule 81. The Rules of the House will be adopted in even-numbered years by a majority vote of members elected and will remain in effect upon adoption and coinciding with the terms of members. The Rules may be suspended by a vote of two-thirds of the members elected to be ascertained by an actual division of the House except as prohibited by the Constitution; provided that a motion to discharge a committee from the consideration of a bill will require a majority of those voting, which will include two-fifths of the members elected to the House, the vote thereon to be taken by yeas and nays and recorded in the Journal; and provided further, that a motion to dispense with the printing and reading of a bill, or its printing on the Calendar, or either, will not be entertained, except as provided by

737 the Constitution.

738 A proposition to change a rule of the House will be submitted in writing and forthwith printed. In its  
739 printed form it will lie upon the Speaker's table for five days and be read by the House during the  
740 morning hour of each day during that time. At the expiration of five days it will be ready for  
741 consideration and may be adopted or rejected by a majority vote of the members elected; provided that  
742 as to all resolutions or bills which involve an appropriation or expenditure of money by the  
743 Commonwealth, or which may create a charge upon the treasury, the rule of the House will not be  
744 changed or suspended save by a vote of twothirds of the members present to be ascertained by an actual  
745 division of the House.

746 Upon a motion to suspend a rule of the House the mover will be allowed two minutes to state the  
747 reasons for their motion, and one member opposed to the motion will be allowed a like time to object.

748 **Chamber of the House of Delegates.**

749 Rule 82. The Chamber of the House of Delegates will be used for no other purpose than the sessions  
750 of the House and for meetings of the committees and members of the legislature on public affairs except  
751 by vote of the House or the Rules Committee or with the approval of the Speaker during the interim or  
752 when the House is not convened at any time during a session of the General Assembly.

753 Rule 83. Only members of the General Assembly, former members, members of the Congress of the  
754 United States, State officers, judges, officers and employees of the General Assembly, and such other  
755 persons as the Speaker may designate will be permitted on the floor of the House during the session;  
756 however, the privileges granted hereunder will not be exercised by any person having business for  
757 compensation before the House or any committee thereof and the officers of this body will enforce this  
758 rule under the direction of the Speaker.

759 **Capitol and Pocahontas Building.**

760 Rule 84. The areas of the Capitol and the Pocahontas Building ("General Assembly Building")  
761 assigned to the House of Delegates, members of the House of Delegates, their legislative support staff,  
762 the clerical staff of the House of Delegates, the Office of the Clerk of the House of Delegates, the  
763 facilities and space for those charged with the maintenance, repair, and security of such building, and  
764 such space designated for the news media will not be utilized or occupied as office space by any other  
765 person or persons, except by vote of the House or the Rules Committee.