



NATIONAL CONFERENCE OF STATE LEGISLATURES

*The Forum for America's Ideas*

# PARLIAMENTARY PROCEDURE

## A LEGISLATORS' GUIDE



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By  
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*The Forum for America's Ideas*

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October 2012



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## ACKNOWLEDGMENTS

Special recognition is given to the members of the Mason's Manual Working Group on Education and Outreach—Bonnie Alexander, David Byerman, Liz Clark, Ann Cornwell, Yolanda Dixon, Steven Marshall, Tara Perkinson, Denise Weeks and Joyce Wright. The members played a key advisory role in preparing this document.

Thanks also are extended to Angela Andrews, Megan Consedine, John Phelps, Leann Stelzer, Wendy Underhill and Brian Weberg, who reviewed drafts of the document, and to the many other individuals who helped make this publication possible.

## INTRODUCTION

This guide provides basic parliamentary information in an easy-to-read format. It is not a comprehensive parliamentary manual nor does it cover every nuance of legislative procedure. Rather, it serves as a primer on parliamentary fundamentals.

Newspaper writers use a list of “Ws”—who, what, when, where and why—to ensure that important information is covered in their stories. These “Ws” are presented early in a story to capture the reader's attention and set the groundwork for the story's complete message.

This guide adopts the “Ws” approach, although in a slightly different order. The author hopes it helps you quickly comprehend the basics of parliamentary procedure and builds a foundation for further study about this essential legislative skill.



## WHY?

### Why is it important to learn parliamentary procedure?

*Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.*

—Henry Clay

*The history of liberty has largely been the history of the observance of procedural safeguards ...*

—former U.S. Supreme Court Associate Justice Felix Frankfurter

Legislatures are a key component of the U.S. governmental system of representative democracy. In a true democracy, the legislature has real political power. It might even be said that democracy itself may be measured by the power vested in a legislature.

Consider the reach of legislative power. Legislatures:

- Determine the operation and structure of government—that is, they create governmental agencies, define the missions of these agencies and establish their most fundamental operating policies.
- Allocate resources for the operation of government.
- Make public and private laws.

How well a legislature executes these powers depends upon the processes and procedures it follows.

Parliamentary procedure is at the heart of the legislative process. At a basic level, it provides the tools for effective group action. Legislative rules exist to help create public policy in an open, balanced and efficient manner. At a political or strategic level, how well these rules are understood and followed can mean the life or death of a piece of legislation.



Parliamentary procedure provides a framework within which a group can consider issues and resolve disputes. Rules are created to ensure and balance the rights of various groups within (or affected by the actions of) an organization, such as:

- Individual members,
- The minority,
- The majority,
- The whole body, or
- People and parties affected by the body's decision.

While it is not necessary to become an expert parliamentarian, some knowledge of the proper conduct of public meetings and certain fundamentals of parliamentary process is essential. A solid understanding of the legislature and its processes will enhance your effectiveness as a legislator and help you better represent your constituents.



## WHERE?

### Where do you look for procedural information?

Every assembly has an inherent right to regulate its own procedure, but where do deliberative bodies look for guidance? The main sources for legislative procedural information are listed here.

- **Constitution.** A constitution serves as the basic law of a state or nation. Each state constitution creates what the people of a state view as the key components for governance—for example, the fundamental rights of citizens; government organization; and the nature, scope and limits of the government's powers. Constitutional requirements must be followed.
- **Judicial decisions.** In the United States, the courts make final decisions on all constitutional questions. These decisions may include rulings that affect a legislature's procedure.
- **Chamber rules and traditions.** The right of a legislature to regulate its procedure is set out in almost every state constitution. The wording typically used to grant this authority is "Each house may determine the rules of its proceedings."

A body's own traditions, customs and precedents may be written or unwritten. They are established practices that:

- ✓ Have been tested by experience;
  - ✓ Have been found useful in practice; and
  - ✓ Have been generally accepted.
- **Statutes.** Within limits, statutes may include provisions that affect parliamentary procedure.
  - **Adopted parliamentary manual.** Legislative chambers often choose a parliamentary manual for guidance and to cover issues not addressed



by their own rules. *Mason's Manual of Legislative Procedure* serves as the "back-up" manual for most state legislatures. Other commonly used publications are *Jefferson's Manual*, *Robert's Rules of Procedure* and the *U.S. House Rules*.

- **General parliamentary law.** Parliamentary law is a system of principles common to the procedural practices of many organizations and countries. It has evolved through centuries of procedural trial and error. It is not fixed; rather it is in a continual process of development. Parliamentary law changes as new uses gain general acceptance.

You just learned where to look for parliamentary procedure. The next question becomes: In what order do rules from the various sources take precedence?

*Mason's Manual of Legislative Procedure, 2010 edition*, sets forth this order of precedence:

- (a) Constitutional provisions and judicial decisions thereon.
- (b) Adopted rules.
- (c) Custom, usage and precedents.
- (d) Statutory provisions.
- (e) Adopted parliamentary authority.
- (f) Parliamentary law.

Be mindful, however, that the rules of your legislative chamber may establish a different order of precedence, in which case the order set in your rules prevails over those of *Mason's Manual*.



## WHAT?

### What are the basic principles of parliamentary procedure?

Parliamentary procedure is reasonably logical and simple when you understand the concepts or purposes behind it. Think of it in terms of principles that impose order, openness and fairness rather than rigid, detailed technical rules. The 10 basic principles that govern procedures for group decision making appear below.

1. The group must have the authority to take the actions it purports to take.
2. A meeting of the decision-making group must take place.
3. A proper notice of the meeting must be given to all members of the group.
4. A quorum must be present at the meeting.
5. A question must be before the group upon which it can make a decision.
6. An opportunity to debate the question must be allowed.
7. The question must be decided by taking a vote.
8. A majority vote to take an action or decide a question must occur.
9. No fraud, trickery or deception resulting in injury to any member must occur.
10. To be valid, any action or decision of a body must not violate any applicable law or constitutional provision.

### What is a bill?

A bill is a formal draft of a proposed law presented to the legislature for consideration. A bill may present an entirely new statute, or it may propose changes to existing statutory language. The statutory language proposed in a bill is subject to revision during its consideration; the formal mechanism to suggest a change to bill language is a motion to amend (discussed in more detail in “Ten Frequently Used Motions”).

See also “What is a resolution?”



### What is a committee?

The work of state legislatures is voluminous and complex, so legislatures use committees to divide the workload. Committees are the principal vehicles through which legislation must pass for scrutiny, debate and modification. They also serve as the major access point for citizens and interest groups, by providing a formal opportunity for input into the legislative process. It is only during committee hearings that non-legislators have an opportunity to speak about proposed legislation.

It is important to remember that the sole power of a committee is to make recommendations to the body. All committee actions are subject to review by the body and may be approved, rejected or modified. No committee recommendation becomes effective until approved by the body.

Several kinds of legislative committees exist. For example, standing committees, appointed for the term of the body, typically are the main policy committees for a chamber. Conference committees have members from both chambers, and they represent the formal continuation of discussions to resolve policy disagreements between the two chambers on a bill. Special committees (also known as ad hoc, investigating, select or study committees) may be created to address a particular matter or to perform a particular function.

### What is debate?

Debate is one of the most fundamental characteristics of a legislature. It is required to ascertain the collective judgment of a body about a pending question or policy proposal.

Strictly speaking, “debate” means remarks made on opposite sides of a question. In a more general sense, it includes all discussion on a substantive question before the body, even if all remarks are on one side. Debate may commence only when a motion is properly before the body. Informal discussion, without a motion, is not debate.

There may be times when debate is not allowed. For example, certain motions are not open to discussion, i.e. they are non-debatable.

### What is decorum?

According to a glossary of legislative terms by the American Society of Legislative Clerks and Secretaries, “decorum” is defined as “proper order, etiquette and conduct of members.” Why is decorum important? Proper decorum creates an atmosphere that is appropriately formal. It encourages order, which,



in turn, encourages preparation for and participation in debate. Decorum also places focus upon the issues discussed, not upon the person speaking.

Legislatures often encourage and preserve decorum by:

- Requiring the use of appropriate language and parliamentary terminology.
- Creating and enforcing a dress code.
- Restricting food and beverages on the floor.
- Controlling the use of cell phones, pagers and other electronic devices on the floor.
- Establishing other rules and customs of behavior.

## What is germaneness?

Germaneness means the relevance or appropriateness of amendments or motions to the item under discussion.

How does one decide what is germane? No perfect test is available for determining when a proposed amendment or motion is germane. A sample checklist to test germaneness may include the following.

- Does the amendment deal with a different topic or subject?
- Does the amendment unreasonably or unduly expand the subject of the bill?
- Would the amendment introduce an independent question?
- Is the amendment relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal?
- Would the amendment change the purpose, scope or object of the original bill?
- Would the amendment change one type of motion into another type?
- Would the amendment change a private (or local) bill into a general bill?
- Would the amendment require a change in the bill title?



## What is the journal?

“Journal” is defined as an official chronological record of the action taken and proceedings of a legislative body. It usually is not a verbatim record; instead, most legislative assemblies produce “summary” journals—that is, a record that summarizes the major actions taken by a body, but that does not include every word spoken.

For almost all legislative chambers, the journal is their official record. The four main reasons to create this record are:

- (1) To refresh the memories of the members who attended the last meeting;
- (2) To inform those who were absent;
- (3) To compile a history of the organization’s acts and accomplishments; and
- (4) To provide the courts with a record of a legislature’s adherence to constitutional requirements when passing bills.

## What is a motion?

A motion is a proposition or request that the body take some action upon a matter. It is the basis for business. The six essential steps to decide a matter by motion and vote are:

- (1) A member requests recognition from the chair.
- (2) The chair recognizes the member.
- (3) The member makes the motion by stating “I move ...”
- (4) The chair restates the motion to the body.
- (5) There is opportunity for debate (if the motion is debatable).
- (6) The chair asks if the body is ready for the question, puts the motion to a vote and declares the vote result.

The four facts you should know in order to effectively use a motion are:

- (1) What is the priority of the motion in relation to the pending business?
- (2) Can the motion interrupt someone who is speaking?
- (3) Can the motion be debated?
- (4) Can the motion be amended?





Motions have a priority (or precedence) in order to secure a fair, yet prompt, transaction of business. The relative order evolved from their use by deliberative assemblies. *Mason's Manual of Legislative Procedure*, Section 187, sets forth the priority of 40 common motions and questions.

See also “Ten Frequently Used Motions.”

## What is the order of business?

The order of business is the defined sequence of business to be considered for each day that a legislative body meets. Each chamber decides what comprises its order of business. Floor proceedings of deliberative bodies generally can be divided into three parts:

- The opening—which commonly includes the call to order, quorum roll call, invocation and pledge of allegiance.
- The business—which often consists of reading and approval of the journal, presentation of petitions and papers, messages from the governor or other house, reports of standing or special committees, special orders, unfinished business, introduction and first reading of bills, and consideration of daily calendar.
- The closing—which usually includes announcements and adjournment.

## What is a parliamentary inquiry?

A parliamentary inquiry is a request from a legislator to the presiding officer for information concerning the pending business, the body's rules and how they apply to the matter before the body, or to something a member may want to do.

The steps typically used to present a parliamentary inquiry are:

- A member stands and says to the presiding officer “Parliamentary inquiry, please.”
- The presiding officer asks the member to state the inquiry.
- The member presents the request for information. For example, the member asks “On which order of business are we?”
- The presiding officer should answer inquiries pertinent to the business before the body in order to enable the member requesting information to understand what is happening, make a proper motion or raise a timely point of order. It is not the presiding officer's duty to answer general questions about parliamentary law.



## What is a point of order?

It is the duty of a presiding officer to maintain order and enforce the rules of the body. It also is the right of every member who observes a breach of order or a violation of a rule to insist upon enforcement.

A point of order is the parliamentary device used to require a deliberative body to observe its own rules and to follow established parliamentary procedure. The time to raise a point of order is critical. A point of order must be raised before the irregularity has passed or while the particular question is pending. It is too late to raise a point of order when the next item of business is taken up or when the measure has left the control of the body.

Once a point of order is raised, the procedures that follow are:

- A ruling.
- Sometimes, an appeal.

**What is a ruling?** A “ruling” or “ruling of the chair” is a decision of the presiding officer concerning a point of order or a question about procedure.

**What is an appeal?** It is the responsibility of the presiding officer to rule fairly and impartially on points of order. There may be occasions, however, when you do not agree with a ruling. An appeal is the proper method of taking exception to a ruling by a presiding officer. An appeal must be made promptly; it is too late to appeal once debate or other business occurs.

The essential steps to present and decide an appeal are:

- (1) A member rises and addresses the presiding officer.
- (2) Without waiting for recognition, the member makes the appeal by stating, “I appeal from the decision” or “I appeal from the decision of the [president, speaker, chair].”
- (3) The chair restates the decision appealed from and may give reasons for the decision.
- (4) There is opportunity for debate.
- (5) The chair asks the body, “Shall the decision of the [president, speaker or presiding officer] be sustained?” or “Shall the decision of the [president, speaker or presiding officer] stand as the judgment of the [Senate, House or Assembly].”
- (6) The question is put to a vote. Both affirmative and tie votes uphold the presiding officer's ruling. A negative vote overturns the ruling.



Please be aware of your chamber's tradition concerning appeals. In some bodies, an appeal is considered the equivalent of a vote of no confidence in (or a vote to remove) the chair.

### What is a question?

The definition of “question” varies, depending upon the parliamentary context in which the term is used. For example:

- It may mean a simple query to gain information—such as when one member is speaking and another member rises and asks the presiding officer if the member speaking will answer a question.
- It may refer to the proposition or motion that is before the body for discussion and vote—such as when the presiding officer states, “The question is before the body. Is there any debate?” or “The question is before the body. All those in favor say ‘yea’...”

### What is a quorum?

A quorum is that number of people whose presence is necessary to transact business and to make actions taken legally valid. If the number is not specified, a quorum usually is a majority of the membership. In determining a quorum, those who are not qualified members of the body at that time are not counted.

Any member may raise the doubt that a quorum is present. This should not be done capriciously or obstructively. It should be fairly apparent that a quorum is not present.

If it is determined that a quorum is not present, all business stops; no principal or essential business can be transacted. Certain procedural actions then legally may occur. These are:

- Set an adjourned (continued) meeting;
- Adjourn;
- Recess; or
- Take measures to procure a quorum.



### What is a reading?

A reading is a formal procedure that presents a measure before a chamber and indicates a stage in its consideration. State constitutions usually require a certain number of readings—three is most common.

Readings are an invention of an early period of parliamentary history. Originally, they provided a way to inform illiterate legislators and the public about the provisions of a bill—that is, the bill was read aloud from beginning to end. The common use of printed bills is a relatively new development. Today, bills rarely are read at length.

Typically, the first reading is for introduction and information—to place the house on notice about a bill and the specific nature of its provisions. On second reading, the matter and form of the bill are debated and, if necessary, refined. On third reading, the house judges whether the bill is in the form agreed upon, if it truly expresses “the deliberate sense or will of the house,” and if it is ready for the body's vote on passage to be taken.

### What is a resolution?

A resolution expresses the sentiment, intent or recognition of the legislature (or one chamber thereof). It also may establish procedures governing the business of the legislature (or a chamber). The various types of resolutions include simple, concurrent and joint. The language proposed in a resolution is subject to change; the formal mechanism to suggest a change to resolution language is a motion to amend (discussed in more detail in “Ten Frequently Used Motions”).

See also “What is a bill?”

### What is a veto?

A “veto” is 1) the power vested in a governor to disapprove measures passed by a legislature, or 2) the message that usually is sent to the legislative assembly by the governor, stating the refusal to sign a bill into law and the reasons for the refusal.

The various types of veto power include:

- Regular—the ability of the governor to disapprove an entire bill passed by the legislature.



- Item or line item—the ability of the governor to disapprove distinct lines or items within a bill, while approving the remainder.
- Amendatory—the ability of the governor to return a bill with recommendations for amendment(s).
- Reduction—the ability of the governor to reduce the amount of a particular line item.

The veto process is time-sensitive. For example, a legislature may face a specified time within which measures must be delivered to the governor. Once a bill is delivered to the governor, the number of days for gubernatorial action on a measure usually is limited.

When the governor returns a vetoed bill, the legislature has two options: 1) to let the veto stand and allow the measure to die, or 2) to attempt to override the veto. The votes necessary to override a veto vary from state to state and sometimes for different types of bills. It is important to know what is required for your legislature.

## What is a vote?

A “vote” is the formal expression of the will of or decision by the body. When a vote is taken, generally one side wins and one side loses. The winning side—whether that side voted in the affirmative or negative—is called the prevailing side. What happens if there is no winning side because the vote is tied? For most legislative chambers, when a tie vote occurs, the negative is the prevailing side because the question failed to achieve a majority.

A vote may be taken in various ways. For example:

- Voice vote—a vote whereby members orally express their approval or disapproval by stating en masse “aye” or “nay” following the request of the presiding officer; the presiding officer decides which side prevails.
- Division—a vote by a show of hands or by standing.
- Recorded or roll call vote—the individual vote of each member is taken and published in the journal.

In many parliamentary situations, the chair has discretion in deciding which method of voting is used. Under certain circumstances, no option for the method of casting votes is allowed, and a roll call vote is required. For example, most legislatures are required to take roll call votes for final passage of bills.



*What is a majority?* A voting question that often arises is, “What is a majority?” Very simply, “majority” means “a number greater than one-half of the total.” The issue becomes more complex, however, when the next question is asked, “Greater than one-half of the total *of what?*” It is important to define “of what” a majority is to be determined. For example, it may be a majority of a quorum, a majority of those present and voting, or a majority of the membership.

Most state constitutions establish the vote requirement for final passage of a bill by the legislature. As a result, you may hear someone say, “It takes a constitutional majority.” This usually means a “majority of each house” or “majority of all members elected to each house.” Please note that, if a state constitution uses the phrase, “majority of all members elected to each house,” a vacancy in a chamber may affect that chamber’s vote requirement.

If the state constitution and legislative rules do not specify the basis for determining a majority vote, you may hear “It takes a simple majority.” This typically means a majority of those present and voting.

You also may hear someone say, “That requires a supermajority vote.” What is a supermajority vote? A “supermajority vote” is any vote requiring more than a majority for passage. For example, a two-thirds vote frequently is necessary to suspend the rules, override a veto, expel a member or pass a proposed constitutional amendment. Other common supermajority requirements are three-fifths and three-fourths.



## WHO?

### Whom do you ask?

You can obtain information about parliamentary procedure from sources within and outside your legislature.

The primary sources for procedural information from within your legislature are listed below.

- **Presiding officer.** This term generally applies to whomever presides over floor proceedings. More commonly, it is used to refer to the president of the Senate or the speaker of the House or Assembly. In this common usage, the presiding officer often 1) acts as the official spokesperson for the chamber; 2) appoints committee chairs and members; 3) refers bills to committee; 4) presides over floor sessions; 5) controls floor debate; 6) preserves order in the chamber; 7) states parliamentary motions; 8) rules on parliamentary questions; and 9) signs legislation, writs and warrants.
- **Chamber majority and minority leaders.** Majority and minority leaders serve as the lead spokesperson for their legislative party caucuses. They also play key roles during floor sessions.
- **Committee chairs.** A committee chair functions as the lead member of a standing or special committee. The chair usually determines which—and when—bills will be heard. He or she also is responsible for issuing the committee report on a measure, which is “the official release of a bill or resolution from a committee.”
- **Experienced legislators.** Experience is the best teacher. Whatever parliamentary questions you have, they probably have come up before. Senior colleagues can help new legislators learn the body’s traditions, especially unwritten ones. Experienced legislators also can provide advice. For example:
  - ✓ The element of surprise does not work well in the legislature.



- ✓ Every legislator makes mistakes. The key is to learn from them. It is important to take responsibility for your actions and acknowledge any parliamentary “blunders.”
  - ✓ An important part of learning the rules is knowing when *not* to use them.
  - ✓ Make a cost-benefit analysis when deciding whether to use rules. You don’t want to win a temporary victory today that will lead to a big defeat down the road.
- **Chief legislative officer.** This is the secretary of the Senate or clerk of the House or Assembly. The office of the legislative clerk or secretary is the most ancient staff position, with roots in the 12<sup>th</sup> century. The main duties of chief legislative officers center on core constitutional responsibilities for legislative recordkeeping and processing of legislation. The chief legislative officer often performs a number of administrative duties as well—overseeing purchasing, supplies, printing and legislative accounting,
  - **Chamber parliamentarian.** The parliamentarian advises and assists the presiding officer and members on matters of procedure. The chief legislative officer often serves in this capacity.
  - **Other legislative staff,** such as leadership, legal or committee staff.

Authoritative sources of legislative parliamentary information also exist outside your legislature. For example, you could contact the Congressional Research Service, U.S. Senate or U.S. House for information about processes at the federal level. National organizations can help with research about procedures in other legislatures. For example, NSCL staff include experts in state legislative processes. NCSL’s Mason’s Manual Commission, which assists NCSL revise *Mason’s Manual of Legislative Procedure*, also serves as a resource on American legislative parliamentary procedure.

The person who can best field your questions, however, may depend upon the type of information you are trying to gather and the timing of your request. For example:

- If you need immediate parliamentary information about a situation occurring on the floor, pose your question to the presiding officer through a parliamentary inquiry or point of order. (See the “What” section for more detailed descriptions of these.)



- If you want training on your chamber rules and procedures, talk with your chief legislative officer. Written training materials may be available from your Senate secretary or House (Assembly) clerk. The chief legislative officer also may hold formal or informal continuing education programs on legislative processes.
- If you want to learn about parliamentary procedure generally and have no time constraints, you may find it informative to talk with all sources listed above. These sources play different roles in the legislative process; as a result, they offer insights from varying perspectives. This may help you form a more complete understanding of parliamentary practices.

Most important, never hesitate to ask!



## TEN FREQUENTLY USED MOTIONS

Below are descriptions of 10 frequently used motions. Also shown are the common forms for stating the motions and references to the main sections of *Mason's Manual of Legislative Procedure, 2010 edition*, relating to the motions.

***Motion to adjourn.*** A motion to adjourn is a request to close or end a meeting. After an adjournment, a new meeting is opened and the procedures to do so are followed.

### *Common forms for the motion*

- “I move that the [Senate, House or Assembly] do now adjourn.”
- “I move that the [Senate, House or Assembly] do now adjourn until [state the day and hour].”
- “I move that the [Senate, House or Assembly] do now adjourn *sine die*.”

### *Mason's Manual of Legislative Procedure, 2010 edition*

- Sections 200 to 210.

***Motion to amend.*** A motion to amend is a proposal to alter a measure (such as a bill or resolution) by adding (inserting) new language, deleting (striking) existing text or both. Substitution is a form of amendment.

### *Common forms for the motion*

- “I move to amend [specify the measure].”
- “I move that [specify the measure] be amended as follows [state your amendment].”
- “I move my amendment to [specify the measure].”

### *Mason's Manual of Legislative Procedure, 2010 edition*

- Sections 395 to 420.

***Motion for a call of the house.*** The purpose for a call of the house is to compel the attendance of absent members. The right of a chamber to compel the presence of absent members often is guaranteed by constitutional provision.



*Common form for the motion*

- “I move a call of [the Senate, House or Assembly].”

*Mason’s Manual of Legislative Procedure, 2010 edition*

- Sections 190 to 197.

**Motion to lay on the table.** A motion to lay on the table is a request to lay aside the pending question either temporarily or permanently. The request may delay deliberation of the pending question to a particular time, date or order of business. If the motion does not specify when the pending question is to be brought up again, the intent may be to “kill” the question.

*Common form for the motion*

- “I move that [specify the measure] be laid on the table.”

*Mason’s Manual of Legislative Procedure, 2010 edition*

- Sections 330 to 342.

**Motion to postpone.** Similar to the motion to lay on the table, a motion to postpone is a request to lay aside the pending question either temporarily or permanently. The request may defer deliberation of the pending question to a particular time, date or order of business; this is known as temporary or definite postponement. A request to postpone that does not specify when the pending question is to be brought up again is known as indefinite postponement. In many legislative chambers, the intent of a motion to postpone indefinitely is to “kill” the question.

*Common forms for the motion*

- “I move that [specify the measure] be postponed until [state the date, time, etc.]”
- “I move that [specify the measure] be postponed indefinitely.”

*Mason’s Manual of Legislative Procedure, 2010 edition*

- Sections 365 to 374 (postpone definitely).
- Sections 430 to 436 (postpone indefinitely).

**Motion for the previous question.** A motion for the previous question is a request to close debate on any debatable question. The effect of the motion, if adopted, is to require that the pending question be put to vote immediately.



*Common forms for the motion*

- “I move the previous question.”
- “I call for the previous question.”

*Mason’s Manual of Legislative Procedure, 2010 edition*

- Sections 345 to 352.

**Motion to recess.** A motion to recess is a request to take a short break from a meeting. When the recess concludes, business usually continues from the point at which it was interrupted by the recess.

*Common forms for the motion*

- “I move that the [Senate, House or Assembly] recess.”
- “I move that the [Senate, House or Assembly] recess to the call of the chair.”
- “I move that the [Senate, House or Assembly] recess until [state the date, time, etc.]”

*Mason’s Manual of Legislative Procedure, 2010 edition*

- Sections 214 to 216.

**Motion to reconsider.** A motion to reconsider is a request to return to consideration of an action or vote that has been taken. For example, you may feel that another look at a measure is necessary because new facts have come to light or you found a mistake that needs to be fixed.

Some important things to remember about the motion to reconsider are:

- There may be a restriction on who can make the motion. Commonly, someone who voted with the prevailing side must make the motion.
- There may be a requirement that notice of your intent to move reconsideration be given.
- There may a limited period of time within which the motion can be made.
- There may be a special vote requirement.

*Common forms for the motion:*

- “I move reconsideration of the vote for [specify the measure].”
- “I give notice that on [state the date] I will move to reconsider the vote for [specify the measure].”



*Mason's Manual of Legislative Procedure, 2010 edition*

- Section 66.
- Sections 450 to 473.

***Motion to refer or commit.*** A motion to refer or commit is a request to send a measure to a committee. The purposes for referring a question to committee include:

- To secure a more thorough study of the question than the time of the plenary body would permit.
- To secure an investigation or to give time and an opportunity to conduct an investigation.
- To allow consideration of matters not subject to disclosure.
- To give a better opportunity for persons to appear either for or against the matter and to hear and question witnesses to an extent that would not be possible in the committee of the whole.
- To permit more informal consideration.
- To revise or redraft a proposal or a report and put it into better form.
- To keep the consideration more completely within the control of a particular group.
- To delay consideration of the question until a more favorable opportunity.
- To prevent action on the question or to delay action.

*Common form for the motion*

- “I move that [specify the measure] be referred to [name the committee].”

*Mason's Manual of Legislative Procedure, 2010 edition*

- Sections 378 to 390.

***Motion to suspend the rules.*** A motion to suspend the rules is a request to temporarily put aside one or more of a chamber's adopted rules to allow an action that otherwise would be out of order. The object of the suspension must be specified. There may be a special vote requirement to pass the motion.

*Common forms for the motion*

- “I move to suspend the rules to [state the object of the suspension].”
- “I move to waive the rules to [state the object of the suspension].”



- “I move that the rules that prevent [state object of the suspension] be suspended.”
- “I move that Rule [specify the number of rule] be suspended in order to [state object of the suspension].”

*Mason's Manual of Legislative Procedure, 2010 edition*

- Sections 279 to 286.
- Section 713-1.



## TYPICAL STAGES FOR LAW ENACTMENT

Below is a general outline of the stages involved in enacting a law that is followed by most U.S. states and territories. The District of Columbia Council and the Nebraska, Guam and U.S. Virgin Islands legislatures are unicameral, so they have no second chamber.

1. The idea
2. Development of a draft of the bill or resolution
3. Consideration by the first legislative chamber (house of origin)
  - Introduction and referral (typically called first reading)
  - Committee consideration
  - Consideration by the full chamber
    - Second reading—typically when the body considers committee recommendations
    - Third reading—typically when the chamber considers “final” passage of bill
4. Consideration by the second legislative chamber
  - Introduction and referral (typically called first reading)
  - Committee consideration
  - Consideration by the full chamber
    - Second reading— typically when the body considers committee recommendations
    - Third reading— typically when the chamber considers “final” passage of bill
5. Development and consideration of a conference committee report (if necessary)
6. Delivery to the governor
7. Consideration of gubernatorial veto (if necessary)





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