

# CHAPTER 5

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## GENERAL ASSEMBLY PROCEDURES

### House and Senate Rules

A legislative body must have rules before it can make laws. At the beginning of each General Assembly, each house usually adopts as temporary rules its rules from the previous General Assembly. Later in the session, each house's Rules Committee proposes permanent rules for adoption by the full house.

A thorough knowledge of the rules is crucial to getting a bill passed. There are also some customs, especially in the Senate, that it is helpful for new legislators to know. This chapter gives an overview of these matters. The House or Senate Manual of Procedures (chapter 6 of this publication) gives more specific information on the procedures of each house.

The rules provide a method for a majority to work its will. They also guarantee some rights to the minority party and to individual legislators. Also, rules exist to promote the flow of business, not to obstruct it. Thus they can be suspended with the consent of the body—except those whose requirements come from the Illinois Constitution.

Sometimes a rule's purpose is simply to establish order where there could be confusion. An example of this kind of rule is the one in each house ranking the precedence of kinds of motions while debate is underway.<sup>1</sup>

When there is a question about the application of the rules, the presiding officer decides it. In ruling on procedural questions, the presiding officer is aided by the parliamentarian—a staff person who is usually present during legislative proceedings. The rules also establish a recent edition of *Robert's Rules of Order* as the authority on questions not specifically covered by the rules.<sup>2</sup>

Rulings by the presiding officer are not always final. If a number of members disagree with the officer's ruling, they can “appeal the ruling of the chair.” If three-fifths of members vote to sustain the appeal, the ruling of the chair is overturned.<sup>3</sup> A warning should be noted: Motions to appeal the ruling of the chair are most often used by the minority party to challenge the majority leadership. A vote by a member of the majority party to sustain such a motion is taken as a vote against that party's leadership.

**Daily Order** Each house has a daily order for considering items of business on regular session days.<sup>4</sup> Not every item on it is taken up every day, and under the rules the order can be varied on a particular day. The daily orders for the 95th General Assembly are shown at the end of this chapter.

*Special orders* The House sometimes takes up a special order of business, set by either the Rules Committee or the Speaker.<sup>5</sup> A special order is set on the calendar for a particular date. When its time comes, the body can consider only the subject of the special order. (An example of a special order might be to consider bills to address an emergency that has arisen.)

### **Motions**

Several types of motions often made during sessions are described below.

**Suspend a Rule** This motion is made to suspend temporarily the operation of the rule cited in the motion, clearing the way for a proposed action.

**Previous Question** This is a motion to cut off debate and proceed immediately to a vote on the question under debate. This motion itself is not debatable. If it fails, debate continues; but if it succeeds, a vote on the question that was under debate follows immediately. It requires 60 votes in the House or 30 in the Senate.<sup>6</sup>

**Point of Order** This inquiry questions the procedural appropriateness of something that has been done.

**Lay a Matter on the Table** This motion—to “table” a measure such as a bill or amendment—puts it aside without a vote on its substance.<sup>7</sup> On rare occasions, it may be later “taken from the table” and considered again. Unless that happens, it has effectively been buried.

**Take a Matter From the Table** This motion can apply to any item that is on the Speaker’s table in the House or on the Secretary’s desk in the Senate. The motion is used to revive a bill that was reported unfavorably by a standing committee and thus is “lying on the table.” A motion to take from the table requires the approval of a majority of members elected if it is recommended by the Rules Committee; otherwise it requires three-fifths of those elected.<sup>8</sup>

**Discharge a Committee** This motion is made by the sponsor of a bill or resolution to remove it from the committee to which it was assigned and bring it to the floor for Second Reading. Such an action requires 60 votes in the House or 36 in the Senate,<sup>9</sup> and is seldom taken in either house.

The last two motions described above make exceptions to normal legislative procedure. Thus there is a predisposition against them. Also, in parliamentary procedure some motions are debatable but others are not. Simple motions on procedure are not debatable; those on substantive questions are. If a type of motion is nondebatable, the rule governing it usually so states.<sup>10</sup>

In addition to the House and Senate rules, further guidance on procedure can be found in parliamentary manuals such as *Robert’s Rules of Order* and *Mason’s Manual of Legislative Procedure*.

## Relationship Between Houses

In a legislature of two houses, either house can stop a bill; both houses are needed to pass it. While each house is independent and guards its powers against encroachment by the other, they must have a working relationship to get bills to the Governor. The following are the major ways this can be done.

### Messages Between Houses

The two houses communicate formally by messages transmitted between them. Whenever one house has taken an action that requires action by the other to complete it, the Clerk or Secretary of the house taking that action sends a written message to the corresponding officer of the other house, notifying it of the action and requesting its concurrence. The most common such messages say that the other house has passed a bill or adopted a weekly adjournment resolution.

### Joint Sessions

The House and Senate occasionally meet in joint session at ceremonial times, to hear the Governor deliver his State of the State message or another address, or to hear a distinguished visitor. These are held in the House chamber.

### Joint Rules

The two houses in past times adopted joint rules to govern their joint business. That has not been done since 1977.

### Notes

1. See House Rule 55 and Senate Rule 7-5, 95th General Assembly.
2. House Rule 99 and Senate Rule 12-2, 95th General Assembly.
3. House Rule 57(a) and Senate Rule 7-7(a), 95th General Assembly.
4. House Rule 31 and Senate Rule 4-4, 95th General Assembly.
5. House Rule 44, 95th General Assembly.
6. House Rule 59 and Senate Rule 7-8(a), 95th General Assembly.
7. House Rule 60 and Senate Rule 7-10, 95th General Assembly.
8. House Rule 61 and Senate Rule 7-11, 95th General Assembly.
9. House Rule 58 and Senate Rule 7-9, 95th General Assembly.
10. See House Rules 59, 60, and 66, and Senate Rules 7-8, 7-10, and 7-16, 95th General Assembly.

## DAILY ORDERS OF BUSINESS IN THE 95th General Assembly

- House*
1. Call to order, invocation, pledge of allegiance, and roll call
  2. Approval of the Journal (of the last session day)
  3. First Reading of House bills
  4. Reports from committees (the Rules Committee can report at any time)
  5. Presentation of resolutions, petitions, and messages
  6. Introduction of House bills
  7. Messages from the Senate (except reading Senate bills a first time)
  8. Second Reading of House bills
  9. Third Reading of House bills
  10. Third Reading of Senate bills
  11. Second Reading of Senate bills
  12. First Reading of Senate bills
  13. House Bills on the order of concurrence
  14. Senate Bills on the order of non-concurrence
  15. Conference committee reports
  16. Motions in writing
  17. Constitutional amendment resolutions
  18. Motions on vetoes
  19. Resolutions
  20. Motions to discharge committee
  21. Motions to take from the table
  22. Motions to suspend the rules
  23. Consideration of bills on postponed consideration

- Senate*
1. Call to order, invocation, and pledge of allegiance
  2. Reading and approval of the Journal (of the last session day)
  3. First Reading of Senate bills
  4. Reports from committees (the Rules Committee can report at any time)
  5. Presentation of resolutions, petitions, and messages
  6. Introduction of Senate bills
  7. Messages from the House (except reading House bills a first time)
  8. Second Reading of Senate bills
  9. Third Reading of Senate bills
  10. Third Reading of House bills
  11. Second Reading of House bills
  12. First Reading of House bills
  13. Senate Bills on the order of concurrence
  14. House Bills on the order of non-concurrence
  15. Conference committee reports
  16. Motions in writing
  17. Constitutional amendment resolutions
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