

# **NATIONAL CONFERENCE OF STATE LEGISLATURES RULES OF PROCEDURE**

## **RULE I RULES OF PROCEDURE**

[A] These rules of procedure shall be construed in conformity with the Bylaws of the National Conference of State Legislatures.

[B] On any issue not covered by these rules of procedure or by the Bylaws, Mason's Manual of Parliamentary Procedure shall be the standard authority, when applicable.

## **RULE II INTRODUCTION, REFERRAL AND DISSEMINATION OF POLICY DIRECTIVES, RESOLUTIONS AND AMENDMENTS**

[A] Any legislator may file a policy directive, resolution or amendments to an existing policy directive or resolution designed for consideration at the Forum Business Meeting or the Annual Business Meeting.

[B] Policy directives and resolutions developed by the Standing Committees shall be directed at Congress, the Administration, or the federal courts, and shall be related to issues that affect the states and shall be consistent with support of state sovereignty and state flexibility and protection from unfunded federal mandates and unwarranted federal preemption.

[C] Resolutions shall be used to (1) bolster a lobbying position; (2) clarify a question of ambiguity in current policy; (3) provide guidance about the specifics of pending regulatory federal decisions; or (4) provide guidance about strategy or tactics regarding a lobbying matter.

[D] There shall be a Memorial Calendar for resolutions that do not comply with Rule II [B]. Members shall file memorial resolutions with the Executive Director in accordance with other provisions of these Rules. The legislator co-chairs of the standing committees shall refer such resolutions to the appropriate standing committee or the Executive Committee. Memorial resolutions adopted by the Forum business meetings, or Executive Committee shall be placed on the memorial calendar of the Annual Business Meeting.

[E] Policy directives, resolutions or amendments to existing policy directives or resolutions shall be filed with the Executive Director or designee at least thirty days prior to the Forum Business Meeting or Annual Business Meeting. The overall legislator Co-Chairs of the Standing Committees, in consultation with the Co-Chairs of the appropriate standing committee, may waive the thirty day deadline under extraordinary circumstances. The legislator Co-Chairs of the Standing Committees shall refer such policy directives, resolutions and amendments to existing policy directives or resolutions promptly to the appropriate standing committee or committees. Each policy directive, resolution and amendment to an

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existing policy directive or resolutions shall be reviewed and acted upon by the committee to which it is referred.

**[F]** Policy directives, resolutions and amendments to existing policy directives or resolutions originating in the standing committees shall be submitted to the Executive Director or designee for referral by the legislator Co-Chairs of the Standing Committees at least thirty days prior to the Forum Business Meeting or Annual Business Meeting. The legislator Co-Chairs of the Standing Committees, in consultation with the Co-Chairs of the appropriate standing committee, may waive the thirty day deadline under extraordinary circumstances. The legislator Co-Chairs of the Standing Committees shall refer such policy directives, resolutions and amendments to existing policy directives or resolutions promptly to the appropriate standing committee or committees.

**[G]** Standing committees shall disseminate draft policy directives, resolutions and amendments to existing policy directives or resolutions at least twenty days prior to the Forum Business Meeting or Annual Business Meetings. Distribution shall be to all standing committee members, members of the NCSL Executive Committee, legislative leaders of the member jurisdictions and others as determined by the legislator Co-Chairs of the Standing Committees. The legislator Co-Chairs of the Standing Committees, in consultation with the appropriate committee Co-Chairs, may waive this deadline under extraordinary circumstances.

### **RULE III**

#### **POLICY DIRECTIVES AND RESOLUTIONS, AND AMICUS BRIEF ADOPTION PROCESS**

**[A]** All policy directives and resolutions produced by an NCSL standing committee shall be submitted to the Forum Business Meetings or the Annual Business Meeting for adoption. All policy directives and resolutions produced by the NCSL standing committees and the Forum Business Meetings shall be submitted to the Annual Business Meeting for final adoption. In the interim between Legislative Summits, policy directives and resolutions may be adopted by Committees, but they shall clearly indicate that they are the policy directives and resolutions of that Committee, and not of the Conference as a whole.

**[B]** In emergency circumstances, when there is insufficient time to consider a new policy directive or resolution under normal processes, policy directives or resolutions having the same force and effect as policy directives and resolutions adopted by the full Conference may be established by either of the following means: (1) majority vote of the legislator members, present and voting, of the Executive Committee in meeting assembled; or (2) the unanimous agreement by conference call of the NCSL President, the NCSL President-Elect, the NCSL Vice President, the NCSL Immediate Past President, the legislator Co-Chairs or a legislator Vice Chair of the NCSL Standing Committees, and the Co-Chairs or Vice Chair of the appropriate standing committee or committees.

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**[C]** All policy directives of the Conference shall not expire but must be reviewed by the standing committee of jurisdiction at least once every four years and can be updated or amended by a standing committee at any time, adhering to the NCSL By-Laws and Rules of Procedure. All resolutions of the Conference shall automatically terminate one year after the Annual Business Meeting at which they are adopted, unless reaffirmed in the normal policy process.

**[D]** The decision to name NCSL as an amicus curiae on briefs filed before the U.S. Supreme Court shall be by unanimous agreement of the NCSL President, the NCSL Immediate Past President, the NCSL President-Elect, the NCSL Vice President, the legislator Co-Chairs of the NCSL Standing Committees, the legislator Co-Chairs of the Law, Criminal Justice and Public Safety Committee and legislator Co-Chairs of other standing committees that have jurisdiction over the question to be resolved by the amicus brief. In the event any person voting indicates a veto, the President may initiate a conference call to allow for discussion and to confirm each person's vote.

### **RULE IV**

#### **STANDING COMMITTEE PROCEDURES**

**[A]** There shall be standing committees and task forces of NCSL whose number and jurisdictions are determined by the Executive Committee. The standing committees and task forces (1) consider federal issues that affect states; (2) formulate policy positions on federal issues; (3) exchange information about state and federal policy matters; (4) consider and evaluate innovative approaches to state issues; (5) develop policy options and recommendations regarding state issues and legislative organization, management and procedures.

**[B]** There shall be overall legislator Co-Chairs and overall legislative staff Co-Chairs of the Standing Committees. The legislator Co-Chairs shall be appointed for a term of two years by the NCSL President and President-elect. There shall be at least two overall legislator vice chairs balanced by political party who shall be appointed by the NCSL President and President-elect for a term of two years.

The overall legislative staff Co-Chairs and the overall legislative staff vice chairs serve staggered terms of two years. Each year, the Staff Chair appoints one staff Co-Chair and at least one staff vice chair to a two-year term.

**[C]** A quorum for the adoption of policy directives and resolutions in Standing Committees shall consist of representation of appointed legislator members, or in their absence, legislator substitutes designated in writing by appointed members' presiding officers, from at least ten (10) member jurisdictions. Letters designating substitutes or new appointments shall be delivered to the appropriate legislator committee Co-Chairs no later than the beginning of the committee session at which a vote on public policy will occur. The Legislator Co-Chairs of each standing committee shall, prior to a committee vote(s) on a matter of public policy, establish the presence of a quorum.

**[D]** All voting in standing committees, subcommittees or task forces shall be by voice, except when a roll call vote is requested by two (2) member jurisdictions, or is called by the legislator Co-Chairs.

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**[E]** On matters of public policy that place the standing committees, subcommittees, and task forces on public record, an affirmative vote of three-fourths (3/4) of the member jurisdictions who respond to the most recent quorum call is required. A state not present for the most recent quorum call can before the start of the next roll call vote request recognition from the presiding legislator chair and be recorded as present for purposes of the quorum. New quorum calls shall be conducted at the request of five (5) member jurisdictions. On all other matters, a quorum being present, action is final by majority vote of the member jurisdictions who responded to the most recent quorum call.

**[F]** Votes on matters of public policy shall be cast by appointed legislator members, or in their absence, by legislator substitutes designated in writing by appointed members' presiding officers. All legislators duly registered for the fall and spring meetings shall be entitled to vote at the business meeting. Legislative staff shall not be entitled to vote on matters of public policy. In the event of a roll call vote, each member jurisdiction shall be entitled to cast one undivided vote. Each member jurisdiction shall select a spokesperson who will announce the vote of the delegation. Disputes on the presence of a quorum or voting procedures shall be settled by ruling of the legislator chair.

**[G]** Co-Chairs of the standing committees have authority to preserve order and decorum and have charge of the rooms in which the committees meet.

**[H]** Each standing committee, subcommittee and task force shall produce a summary of each of its meetings. Included in the summary shall be a record of its roll call votes by member jurisdiction.

**[I]** Standing committees, shall approve, approve with amendment, postpone, table or defeat each policy directive and resolution submitted to it.

### **RULE V**

#### **STEERING COMMITTEE PROCEDURES**

**[A]** There shall be a Steering Committee of the Standing Committees, which shall be composed of the overall legislator and legislative staff Co-Chairs of the Standing Committees, the overall legislator and legislative staff vice chairs of the Standing Committees, and the legislator and legislative staff Co-Chairs of each standing committee. The committee Co-Chairs shall designate a legislator committee vice chair and the legislative staff Co-Chairs shall designate a legislative staff vice chair to represent the committee with the Steering Committee in their absence. Only legislator members of the Steering Committee shall vote on policy directives and resolutions, amendments to policy directives and resolutions, and procedural motions related thereto, except legislative staff shall be allowed to vote on joint and re-referrals of policy directives and resolutions.

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**[B]** The Steering Committee at its meeting prior to the standing committee meetings shall review policy directives, resolutions and amendments to policy directives and resolutions filed under Rule II for inconsistencies to Rule II [B] and omissions. Policy directives, resolutions or amendments to policy directives and resolutions that are determined by a majority vote of the legislator members of the Steering Committee to be inconsistent with Rule II [B] shall not be considered by the standing committee to which such policy directive, resolution or amendment was referred.

**[C]** The Steering Committee at its meeting prior to the standing committees' meetings shall determine, by majority vote, policy directives, resolutions and amendments to policy directives and resolutions to be considered by more than one committee. The Steering Committee shall designate one standing committee as the lead committee on each jointly-referred resolution. Any standing committee to which the resolution is referred may report the resolution on the floor. If the lead committee adopts a version of the resolution, it shall be considered first at the Forum Business Meeting or Annual Business Meeting; other committees shall offer their versions and amendments from the floor.

**[D]** In its meeting following the meetings of the standing committees, the Steering Committee shall establish the order of business and calendars for the business meetings; and designate policy directives and resolutions to be re-referred to one or more other committees. The policy directives or resolutions approved by the committee with original jurisdiction automatically shall be placed on the debate calendar at the next Forum Business Meeting or Annual Business Meeting. If the committee to which the policy directive or resolution is re-referred approves changes to it, it shall offer its version as an amendment on the floor. The Steering Committee shall also identify emerging state and federal issues; coordinate outreach to legislators and staff regarding the standing committees; coordinate planning of the Forum meetings; and consider the use of innovative technologies and communications devices for conducting meetings, increasing participation and informing legislators and staff about the work of the Standing Committees.

### **RULE VI**

#### **QUORUM AND PROXIES – FORUM AND ANNUAL BUSINESS MEETINGS**

**[A]** As required by the Bylaws, a quorum for the transaction of business at the Annual Meeting shall consist of representation from at least twenty (20) member jurisdictions.

**[B]** As required by the Bylaws, voting rights of a member may not be delegated to any other person nor exercised by proxy.

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### RULE VII

#### VOTING IN FORUM AND ANNUAL BUSINESS MEETINGS

[A] All action in the Forum Business Meeting or Annual Business Meeting shall be by voice vote except when a roll call vote is requested by not less than five member jurisdictions or is ordered by the chair.

[B] As provided in the Bylaws, on any vote that places the Conference on record in a matter of public policy, an affirmative vote of three quarters (3/4) of the member jurisdictions who respond to the most recent quorum call shall be required. A state not present for the most recent quorum call can, before the start of the next roll call vote, request recognition from the presiding legislator chair and be recorded as present for purposes of the quorum. New quorum calls shall be conducted at the request of not less than five (5) member jurisdictions. On all other matters, action is final by majority vote of the member jurisdictions who responded to the most recent quorum call. On any vote that places the Conference on record in a matter of public policy, legislative staff shall not be entitled to vote.

[C] In the event of a roll call vote, each member jurisdiction shall be entitled to cast one undivided vote. Prior to the Forum Business Meeting and the Annual Business Meeting, each member jurisdiction shall select the spokesperson who will announce the vote.

[D] When a roll call is being taken, the member jurisdictions shall be called in alphabetical order by the Executive Director. The spokesperson for the delegation shall reply by giving his or her name and then announcing the vote of the delegation.

[E] If there is a challenge by a member of a delegation as to who shall be its spokesperson or as to the announced vote, the jurisdiction shall be called upon again. If the challenger continues the challenge, the chair shall poll the delegation and shall declare that the majority of said delegation prevails.

[F] Until the chair announces the results of a vote, a jurisdiction has the right to change its vote, or to have its vote recorded if it was not recorded during the initial call of the vote, based on the most recent quorum call.

[G] Consideration of policy directives and resolutions shall be by calendar. The consent calendar shall be limited to policy directives and resolutions approved previously at the Forum Business Meetings or reported unanimously by an NCSL standing committee at the annual meeting. The debate calendar shall include all policy directives and resolutions passed by the NCSL standing committees without unanimity; policy directives and resolutions removed from the consent calendar by majority vote of the Steering Committee; and policy directives and resolutions removed from the consent calendar at the Annual Business Meeting at the request of three (3) member jurisdictions. The memorial calendar shall include all resolutions that do not comply with Rule II [D], and approved according to rules governing consideration of policy directives and resolutions.

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**[H]** All policy directives, resolutions and amendments shall be submitted in writing, adhering to the NCSL By-Laws and Rules of Procedure, and available prior to the vote of member jurisdictions.

**[I]** Policy directives and resolutions that have been tabled or postponed by a committee may be brought for consideration following disposition of the debate calendar by a vote of two thirds (2/3) of the member jurisdictions who respond to the most recent quorum call on a motion to discharge the committee from further consideration. If thus brought up for consideration, the policy directives and proposed resolutions shall be voted upon under the rules governing consideration of policy directives and resolutions.

## **RULE VIII RECOMMENDATIONS REGARDING STATE ISSUES AND LEGISLATIVE MANAGEMENT**

**[A]** Standing committees, subcommittees, and task forces are authorized to issue reports, recommendations, and findings regarding state issues and legislative management. All such work products shall be approved by a majority of the member jurisdictions who responded to the most recent quorum call, and shall be clearly identified only as the work of that committee, subcommittee or task force. These work products shall be reported to the Executive Committee for any appropriate further action.

## **RULE IX ADOPTION, AMENDMENT AND SUSPENSION OF RULES**

These rules shall remain in effect until such time as they are amended at an Annual Meeting of the Conference. Any amendment or suspension of such rules shall require a three-fifths (3/5) vote of the member jurisdictions who respond to the most recent quorum call. New quorum calls shall be conducted at the request of not less than five (5) member jurisdictions. Any motion to suspend shall be clear with respect to the rule or rules to which it applies.

\*Adopted at the Annual Meeting in October, 1975 and amended at the Annual Meeting in July, 1976; August, 1977; July 1979; July 1988; August 1989; Orlando, Florida August 15 1991; New Orleans, Louisiana; July 25, 1994; Milwaukee, Wisconsin, July 17, 1995; St. Louis Missouri, 1996; Philadelphia, Pennsylvania, 1997; Denver, Colorado, July. 26, 2002; Salt Lake City, Utah, July 23, 2004; Nashville, Tennessee, August 17, 2006; Louisville, Kentucky, July 28, 2010; San Antonio, Texas, August 11, 2011; Chicago, Illinois August 9, 2012 and, Seattle, Washington, August 6, 2015