

IN THE SENATE

SENATE RESOLUTION NO. 105

BY JUDICIARY AND RULES COMMITTEE

A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND AMENDING RULE 39 OF THE RULES OF THE SENATE  
RELATING TO VOTING.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that Rule 39 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that Rule 39 of the Rules of the Senate shall be amended to read as follows:

RULE 39

Voting. -- (A) Every Senator, when a question is put, either on the Senate floor or in committee, being present and in his seat, shall vote. Any Senator upon a reasonable cause stated may move to be excused from voting. Such motion is undebatable and requires a two-thirds vote. No Senator may vote unless present and in his seat nor may he vote for the first time on any question inconsistent with his position as a moving party or as openly stated in debate. All Senators reporting present under a Call of the Senate must, after the call is lifted, remain within the Senate Chamber and vote on the question for which the Senate was called unless excused as herein provided.

Under no circumstance shall a roll call, once ordered, be interrupted except to explain a vote under the provisions of Mason's Manual of Legislative Procedure, Section 528, or call to or for order.

Voting excused. -- (B) A request to be excused from voting shall not be in order unless made before the Senate divides or the roll call is begun.

Roll Call Vote. -- (C) Ayes and nays shall not be ordered or recorded except upon final passage of bills, joint resolutions, motions for expenditure of public monies or incurring obligations therefor, motions requiring a two-thirds majority vote, or upon request of any Senator with at least two other Senators rising in support thereof; provided, no roll call vote shall be permitted in the Committee of the Whole Senate under any circumstances.

Division of the Senate. -- (D) When any question shall be put to determination by voice vote and there be any reasonable doubt as to the prevailing vote, the Chair shall first state that "The Chair is in doubt" before announcing the final result. At any time before announcement of the final result, any Senator may request a division of the Senate, whereupon the vote shall be determined by those favoring the ayes standing, followed by those favoring the nays standing. A request for a roll call vote may be made before announcement of the result of the division of the Senate.

Explanation of Vote. -- (E) Any Senator may explain his vote when his name is called upon a roll call vote, provided he has not participated in debate, and provided further that such explanation shall not exceed one minute duration.

1           What Constitutes Debate. -- (F) Making an inquiry or suggestion, or  
2 asking or answering a question is not debate, unless in the discretion of  
3 the President persistent questioning constitutes abuse of this exception  
4 whereupon the Senator involved shall be so advised by the Chair.

5           Change of Vote.-- (G) Any Senator may change his vote before the deci-  
6 sion of a question shall have been announced by the Chair but no explanation  
7 for such change shall be permitted.

8           Right to Vote. -- (H) A Senator has the right to vote upon all questions  
9 before the Senate and to participate in the business of the Senate and its  
10 committees and, in so doing, the Senator is presumed to act in good faith and  
11 in the public interest. ~~If a~~ A Senator has with a conflict of interest un-  
12 der applicable law, ~~such shall, on the day of and before casting a vote on the~~  
13 Senate floor, disclose the conflict ~~must be disclosed to the verbally or in~~  
14 writing to all members of the Senate present. The presiding officer in writ-  
15 ing or to the body shall ensure that such disclosure is entered upon the Jour-  
16 nal. A Senator with a conflict of interest under applicable law shall, on the  
17 day of and before casting a vote in committee, disclose the conflict verbally  
18 or in writing to all committee members present. The committee chairman shall  
19 ensure that such disclosure is recorded in the committee minutes. Upon dis-  
20 closure of any such conflict, the Senator may vote upon any question or issue  
21 to which the conflict relates, unless the Senator requests to be excused.