

Rulings of Lieutenant Governor Denny Heck

2021



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EDITOR'S NOTES

Please note the following:

1. **Not exclusive.** The body of precedent within is neither conclusive nor exhaustive on every matter. Moreover, not every ruling of Lieutenant Governor Heck is included. Instead, those rulings deemed most relevant and helpful to parliamentary matters were chosen. Where a point had been made by another ruling, similar rulings were excluded. Finally, general “housekeeping” rulings were omitted (i.e., questions as to what measure was presently before the Senate, time for caucus, etc.).
2. **References to the Senate Rules are generally to the Rule in effect at the time.** On most topics, the differences (if any) should be slight. Moreover, “Rule” without any further citation refers to a Senate Rule.
3. **References to *Reed’s Parliamentary Rules* are to “Rules.”** Technically, *Reed’s Parliamentary Rules* is broken into chapters and sections. Because of common use and the confusion of switching between rules and sections, sections are presented as rules. Thus, “Reed’s Rule 212” is, to be technically accurate, section 212 of Chapter XIII.

ADVISORY OPINIONS

President Generally Does Not Issue

PARLIAMENTARY INQUIRY

Senator Van De Wege: “Do our rules allow for a bill that has not passed deadlines to be amended to make it NTIB? I believe they do not and that is what I think this amendment is attempting to do.”

RULING BY THE PRESIDENT

President Heck: “If I understood the point of inquiry correctly Senator Van De Wege, and I am not entirely convinced I did, it had multiple parts. First of all, the amendment before us is in order. Secondly, if the question is whether or not that would render the bill referenced in the amendment necessary to implement the budget, that bill is not before us, and therefore the President will not rule upon it until such time as it is timely.”

(April 1, 2021)

AMENDMENTS

Order of Amendments

¹ **Reed’s Rule 84.** “The amendments proposed by the committee, which are usually explained by the report, are first to be voted on, because they are the first proposed to the assembly, and are in fact offered by the assembly itself, which clothed the committee with power to examine the question.”

² **Rule 66.** “No amendment to any bill shall be allowed which shall change the scope and object of the bill. Substitute bills shall be considered amendments for the purposes of this rule. A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment. A

Editor’s Note: *The practice in the Senate is to address committee amendments,¹ then floor perfecting amendments in page and line order, followed by striking amendments. Beyond this, amendments are generally taken up in the order received.*

Scope and Object²

Generally

RULING BY THE PRESIDENT

President Heck: “In ruling upon the point of order raised by Senator Liias as to whether amendment number 43 impermissibly changes the scope and object of Engrossed Substitute House Bill 1368 in violation of Senate Rule 66, the President finds and rules as follows:

The President finds that the underlying bill is purely an appropriations bill, spending federal money for state activities in response to the COVID 19 crisis. While the measure spends money for a wide variety of purposes, the bill is narrow in that it exclusively uses appropriations to achieve its goal of COVID relief. It does not independently authorize additional state actions.

The amendment offered by Senator Ericksen would also appropriate federal money for

proposed amendment to an unamended title-only bill shall be within the scope and object of the bill if the subject of the amendment fits within the language in the title.”

See also Art. 2, § 38, State Constitution. “No amendment to any bill shall be allowed which shall change the scope and object of the bill.”

See also Reed’s 160. They must be germane or relevant to the subject matter of the original proposition. It is impossible to lay down any precise rule upon this subject, and much depends on the good sense of the presiding officer.

state activities associated with COVID relief. Conditioning federal appropriations on certain activities is appropriate and would be within the scope and object of the underlying bill. However, the amendment goes beyond that. New section 1 affirmatively directs all areas of the state to move to Phase 2 of the Healthy Washington-Roadmap to Recovery Plan.

The President, therefore, finds that the amendment does change the scope and object of the bill in violation of Senate Rule 66, and Senator Liias’s point is well taken.”

(February 10, 2021)

Scope vs. Object.

POINT OF ORDER

Senator Liias: “Mr. President, I believe that amendment no. 680 exceeds the scope and object of the bill before us.”

Senator Liias spoke for the motion to declare the amendment out of order. Senator Braun spoke against the motion to declare the amendment out of order.

RULING BY THE PRESIDENT

President Heck: “The President will be releasing a written ruling with respect to Senator Liias’ scope and object request later, but the President is ready to make a ruling. The President finds the amendment author’s argument that it is within the object of the bill to be persuasive. The object of the bill is to reduce CO2 emissions on a global basis and efforts to reduce leakage would serve that purpose or arguably could.

The President further finds however, that the issues associated with the scope of the bill

are problematic if not highly problematic. Namely there are no provisions relating to tax mitigation within the bill itself to begin with. And moreover, the proposed phase-out of the B&O tax on manufacturing would apply frankly mostly to businesses that are not even covered entities within the bill as written. Therefore, the President of the Senate finds the amendment beyond the scope and object of the bill.”

(April 8, 2021)

Bill with singular object of restoring voting rights cannot be amended to remove voting rights. However a specific and singular object does not preclude amendments defining the applicable class to which the bill applies.

POINT OF ORDER

Senator Liias: “Mr. President, I believe that amendment no. 480 impermissibly expands the scope and object of the underlying bill under discussion and I’d like to make some remarks.”

President Heck: “Please proceed.”

Senator Liias: “Thank you Mr. President. I believe that amendment no. 480 expands both the scope and the object of the underlying bill for two reasons.

First of all, the net effect of the amendment, if adopted, would be to actually take voting rights away from some portion of this population that currently has them. Clearly, the purpose of this bill is to expand voting rights so allowing an amendment that would actually restrict and strip folks of their voting rights is outside the scope and object of the current bill.

The second reason I think that this amendment exceeds the object of the bill, and I'll just remind you that in the state constitution and in Rule 66 of our Senate rules we say clearly that amendments can't exceed expand the scope and object of the bill the purpose of this bill is to make it clear and you can read it throughout the bill that all people who are no longer in total confinement of the Department of Corrections would have their voting rights automatically restored and so by carving out small subsets of that it exceeds and expands and violates the purpose of the bill which is to look at all of these folks when they've left total confinement creating an automatic process for them to get their voting rights back so both because it strips some of their voting rights and because it impermissibly expands the object or changes the object of the bill I believe that this is in violation of our Senate rules and I'd ask you to rule it out of order."

President Heck: "Senator Rivers, do you wish to speak before the president takes us under advisement?"

Senator Rivers: "Well, Mr. President, thank you for this opportunity. You know I guess we've seen today how our rules are merely a guideline and I would say that in this instance there are a guideline as well. We are here today making a determination about the ability for individuals to be allowed to vote and that's what this amendment does. So, I, I think it's a good amendment. I think it's an important amendment for victims, for people of this state, for those who fear sexually violent predators and I feel like it should be, we should have debate and vote on it. Thank you, Mr. President."

RULING BY THE PRESIDENT

President Heck: "In considering the Point of Order raised by Senator Liias as to whether Amendment 480 by Senator Rivers impermissibly seeks to expand the Scope and Object of Engrossed Substitute House Bill No. 1078, the President finds and rules follows:

The scope of Engrossed Substitute House Bill No. 1078 broadly relates to voting eligibility for persons convicted of a felony. It automatically restores the right to vote for a person convicted of a felony once they are no longer serving a sentence of total confinement under the jurisdiction of the Department of Corrections.

Amendment 480 before us seeks to prohibit sexually violent predators conditionally released to less restrictive alternatives from being registered to vote before their release from the Department of Correction's authority.

First, the President notes that sexually violent predators conditionally released to less restrictive alternatives are not in the jurisdiction of the Department of Corrections; rather, they are under the jurisdiction of the Department of Social and Health Services. Many sexually violent predators who are conditionally released to less restrictive alternatives currently have their voting rights restored as part of their terms of release. The effect of Amendment 480 would therefore to be to both restrict the restoration of voting rights for some of these individuals, while taking away the existing voting rights of others.

As Senator Liias noted in his argument, Rule 66 requires that an amendment be within both the scope and the object of the underlying bill. Here, the object of the bill is much narrower than its scope, and concerns the expansion of voting rights. Because

Amendment 480 seeks to take away the existing right to vote from some sexually violent predators conditionally released to lesser restrictive alternative, the President finds the Amendment beyond the scope and object of the underlying bill.

The President also wishes to address the second part of Senator Liias' argument, relating to the carving out of the restoration of voting rights for certain individuals no longer serving total confinement. While not germane to the consideration of Amendment 480, the President wishes to provide the body with a better understanding of the President's approach to scope and object.

Again, the object of the bill before us is to expand the group of individuals for whom voting rights will be restored. The President finds and rules it is proper to offer an amendment seeking to further define and qualify that class of individuals.³

Based on the first issue, the President finds and rules that Amendment 480 is beyond the scope and object of Engrossed Substitute House Bill No. 1078. As reference was generally made to amendments not currently before the body, the President suggests that consideration of this ruling be made before raising any further objections.”

(March 24, 2021)

Traditionally each side may speak

PARLIAMENTARY INQUIRY

³ This appears to overrule a previous ruling by LG Habib on February 14, 2018, indicating that a specific and singular object precluded further amendments defining the class to which the bill applied.

⁴ See **Senate Rule 20(1)**. “No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have

Senator Braun: “I just want to know if the motion presented by Senator Liias is debatable?”

President Heck: “To go at ease?”

Senator Braun: “No, no, no. I’m sorry. The earlier, the challenge of scope of the bill. If that’s debatable? I’ve asked that, I’ve been constantly pushing the point of inquiry for a while here.”

REPLY BY THE PRESIDENT

President Heck: “Traditionally Senator Braun, the practice has been that there is an argument made, one each, on the respective sides.”

Senator Braun: “Thank you, Mr. President.”

(March 24, 2021)

Withdrawal of an amendment⁴

PARLIAMENTARY INQUIRY

Senator McCune: “I actually didn’t know how, I objected, I wanted to object to putting down that amendment by Jeff. I would like to run that amendment if possible, myself. Senator Jeff Wilson.”⁵

RULING BY THE PRESIDENT

President Heck: “Senator McCune, the procedure by which one is to state an

been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.”

⁵ By the time the objection was raised an additional amendment had already been withdrawn and the objection was not timely.

objection in an instance like this is to indicate a point of inquiry button which is also to serve as a point of order button and the President made a particular effort to pause, and no such point of order was timely raised. I hesitate, and will not establish the precedent now, but I will commit to you all that in similar circumstances I will adequately pause so that you will have an opportunity to press the point of inquiry or point of order button. Senator McCune, do you have a point of inquiry or point of order?"

PARLIAMENTARY INQUIRY

Senator McCune: "I do. I didn't know the amendment, Mr. President, was gonna be put down. If I would have known, I would have run it myself. It's an important amendment to the budget.

President Heck: "Senator McCune, that is not a point of inquiry. Or a point of order either."

(April 1, 2021)

⁶ Senate Rule 29: "When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each

DEBATE⁶

Remarks should be germane⁷

REMARKS BY THE PRESIDENT

President Heck: "Before we get into this debate, the President would like to note that the content of this bill is similar to that of one we dealt with last week. That was very challenging and difficult and shouldn't really surprise anybody when you consider the fact that this is a difficult and challenging subject matter and discussion in this country. We're emblematic of that. Concentrated form of it. But here's what's different, here are we, here we are guided by precedent, rulings, rules in Reeds. It is timely to note a couple. Reeds Rule no. 216 says that all debate should be relevant confined to the subject to debate. It goes on however to say the patient presiding officer and a good natured assembly can do much to confine debate to its proper channels. The

question. In any event, the senator who presents the motion may open and close debate on the question." See also **Reed's Rules** Chapter XIII, Rules 212-228.

⁷ **Reed's 216. Relevancy in Debate.**— All debate should be relevant and confined to the subject of debate. The subject of debate is always the question directly before the assembly, whether it be the main question or any subsidiary or incidental motion. . . . Although the distinction can be stated thus sharply in words, it is often difficult to rule upon it in practice. To discuss an amendment involves more or less the main question, as does also a motion to commit; yet discussion of the main question in its relations to an amendment and in its relations to a motion to commit are very different from a discussion of the main question pure and simple. Nevertheless, a patient presiding officer and a good-natured assembly can do much to confine debate to its proper channels. The best course for a presiding officer in most cases is to interfere only where the irrelevancy is very great and is leading to confusion. . . ."

best course for a presiding officer in most cases is to interfere only when the irrelevancy is very great and is leading to confusion. Latitude will be granted. At the same time our own rules, adopted by this body, provide that debate shall be courteous. A good word for courteous is respectful. A good rule of thumb is if you have to ask yourself this if is this courteous or not is it probably isn't. The presiding officer could have done a better job last week. I will try harder. I respectfully request that each of you do as well.”

(March 3, 2021)

REMARKS BY THE PRESIDENT

President Heck: “Before you speak sir, I’ve granted quite a bit of latitude on addressing the issue of openness in school versus this bill before us. Would respectfully request all members to speak to the bill.”

PARLIAMENTARY INQUIRY

Senator Braun: “Are you saying I can not speak about schools being closed in the context of a K-12, a bill that came through K12, is specifically focused on K-12, and is directly relevant to whether, it can’t be done without schools being open? Not to be difficult, I am just saying this is a very relevant topic.”

REMARKS BY THE PRESIDENT

President Heck: “The bill before us deals with allowing the use of computer science

⁸ The issue was whether a capital gains tax should/could be called an income tax or an excise tax. As indicated by the President, that is a matter for debate.

credits for the purpose of graduation requirements. Please proceed.”

(March 3, 2021)

REMARKS BY THE PRESIDENT

President Heck: “The President would like to indicate that he’s allowed considerable latitude on this question. The President will adhere to the ruling of the previous presiding officer who indicates it’s not the job of the presiding officer to indicate what terminology can or cannot be used as long as the remarks are relevant to the question before the body.⁸ I want to remind you all, that the question before the body is the proposed amendment by Senator Braun relating to a requirement for taxpayers owing the state tax to also file a copy of their federal income tax return. Please keep your remarks to the question before the body which is the amendment by Senator Braun.”

(March 6, 2021)

Speeches may not be read

REMARKS BY THE PRESIDENT

President Heck: “Before we begin today, the President would like to offer a gentle reminder. Rule 27⁹, combined with longstanding and deep tradition of the Washington State Senate combined with language in Mason’s Manual, which is on occasion used as our backstop to our Reed’s Rules, specifically do not allow for the reading of speeches on the floor. This is true

⁹ **Senate Rule 27:** “When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate. . . .”

whether the speeches are given remotely or while physically present here. This does not mean members cannot use notes, of course they can. The language specifically in Mason’s Manual, for example, says ‘Members do not have the right to read their own written speeches without permission of the body. Members are entitled to speak from notes.’ The President would respectfully request your acknowledgement

and cooperation in this regard, and I thank you.”

(February 3, 2021)

DECORUM¹⁰

Appropriate Dress

¹⁰ See, generally, **Rule 1**: “...The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber....”

See also **Rule 7**: “**1.** Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. **2.** In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted. **3.** If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration. **4.** No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present. **5.** In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all

senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)” *See also* **Reed’s Rules**: “**48. Rights of Members.**— The rights of each member are based upon the doctrine of his equality with every other member. He has therefore the right to present his propositions and to debate them fully. But as the right of each member leaves off where the rights of others begin there must be much mutual forbearance between each member and the assembly. Each member has a right to demand that the assembly be in order, and may rise to demand the same. He may also interrupt a member not in order, but he must exercise his rights in such a manner as not to increase the disorder. **49. Duties of Members.**— The duties of each member are based upon the considerations which arise from his being a component part of the assembly, which desires to act together and which, in order to act together, must come to some agreement. The member must maintain order and refrain from conversation. He should not engage in any other business than that before the meeting. He should not walk between the member who has the floor and the presiding officer. He should not interrupt the member speaking except by his consent. It seems superfluous to say that he should not wear his hat, or put his feet on the desk, or smoke, for in all ways the member of an assembly should act properly. He should not use injurious expressions. He should not make use of even proper parliamentary motions to create discord or impede unreasonably the action of the assembly. In short, as the object and purpose of an assembly is to enable men to act together as a body, each member ought to so conduct himself as to facilitate the result, or at least so as not to hinder it. **50. Decorum.**— It will be seen that the rights and duties of members are somewhat difficult of enforcement, except by general comity. Yet they should always be borne in mind and insisted on; for the creation of healthy public sentiment in an assembly is as

REMARKS BY THE PRESIDENT

President Heck: “Just as a reminder to all members, the decorum of the Senate requires you to dress in the same fashion that you would were you actually appearing on the floor of the state Senate and irrespective of whether you are appearing virtually or not, for purposes of this discussion, for men that means you must be wearing either a sport coat or a suit jacket. This decorum guideline will be enforced in the future.”

(January 18, 2021)

REMARKS BY THE PRESIDENT

President Heck: “Senator McCune, a respectful reminder that members even when participating remotely are required to wear sport jackets. Lest my eyesight failed me I think you need to assume business attire if you would please sir.”

(February 16, 2021)

Remote session – visibility

REMARKS BY THE PRESIDENT

President Heck: “Senator King, excuse me. Senator King, your camera has been off and viewers have been treated to a continuing visual presence of Senator Kuderer. We going to try and correct that. Please make sure your camera is turned on.”

(March 24, 2021)

important for its success as the observance of the laws of politeness is necessary to the comfort and well-being of a community. Decorum is usually treated of in connection with debate, but is as necessary and as

Impugning non-members

PARLIAMENTARY INQUIRY

Senator Braun: “Thank you Mr. President. So, the previous speaker made a derogatory remark towards a former President of the United States and I just have a question Mr. President. We generally have rules here about impugning the motives of folks of the floor, members of the body, but I don’t know what our rules are with regard to current and former members of the federal government, elected members of the federal government?”

REPLY BY THE PRESIDENT

President Heck: “Thank you for your point of inquiry Senator Braun. The President would indicate that there is no specific rule regarding impugning the motives of people other than your colleagues or fellow members of the Senate. I would suggest however, that in keeping with general decorum, especially insofar as the remarks had basically nothing to do with the bill before the Senate, I would respectfully ask that members refrain from such language.”

(February 10, 2021)

MOTIONS

Priority of business not debatable.

Senator Short moved to advance to the ninth order of business.

much required at other times as when discussion is going on.” *See also Reed’s Rules* Chapter XIII, Debate & Decorum, Rules 212-228.

President Heck: “Questions relating to the priority of business are not debatable. By tradition, one explanatory speech has been allowed on each side.”

(February 3, 2021)

PERSONAL PRIVILEGE¹¹

REMARKS BY THE PRESIDENT

President Heck: “So before we go there. Before we go there. Having no idea what you're about to say. It is none the less timely given the conversations that occurred on the weekend and before, for me just to remind the members what the rule is, and this is not directed at you Senator Wagoner. It’s Rule 33 of the rules you adopted. And it says any senator may rise to a question of privilege and explain a personal matter by leave of the president but shall not discuss any pending question in such explanations in other words can't talk about the bill across, a question of privilege shall only involve subject matter which affects the particular senator personally in a manner unique and peculiar to that senator very grateful for your allowing me the opportunity to clarify this sir but please proceed.”

(March 8, 2021)

PERSONAL PRIVILEGE

Senator Sheldon: “Mr. President, I would have liked to speak on, spoken on the last

¹¹ **Senate Rule 33.** “Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

bill. When the majority party calls for the question that is certainly their right, but there was a long debate on the amendments, I understand that. But, I think...”

REPLY BY THE PRESIDENT

President Heck: “Senator Sheldon, I am sorry sir, that is not a point of personal privilege.”

(March 24, 2021)

RECONSIDERATION

Reconsideration of Amendment¹²

Having voted on the prevailing side, Senator Van De Wege moved that the Senate now reconsider the vote by which floor amendment no. 010 to floor striking amendment no. 006 passed the senate earlier in the day.

The President declared the question before the Senate to be the motion by Senator Van De Wege that the Senate reconsider the vote by which floor amendment no. 010 passed the Senate.

The motion for reconsideration carried.

The President declared the question before the Senate to be the adoption of floor amendment no. 010 to floor striking amendment no. 006 reconsideration.

Senator Liias demanded a roll call.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.”

¹² See **Rule 37** for timing and notice provisions for reconsideration of bills. “Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.”

The President declared that one-sixth of the members supported the demand, and the demand was sustained.

Senator Braun spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 010 to floor striking amendment no. 006 on reconsideration.

...

The amendment was not adopted.

(January 27, 2021)

SCOPE & OBJECT

Please see this same topic under the category of "Amendments," above.

VOTING

Breaking a tie – President’s authority to vote¹³ discretionary

PARLIAMENTARY INQUIRY

Senator Ericksen: “Thank you, Mr. President. On the previous amendment I was watching the vote count as it came through

¹³ **Senate Rule 1(9).** “When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote as provided for in the state Constitution.

Art. 2, Section 10 of the State Constitution. “. . . When presiding, the lieutenant governor shall have the deciding vote in case of an equal division of the senate.”

and it appeared that it was 23 in favor 24 opposed until the very last moment and it turned to 24-24. And I don’t see anybody excused or absent so, what would be the process in that situation to actually make a determination of the vote of the of those voting?”

REPLY BY THE PRESIDENT

President Heck: “Senator Ericksen, a tied vote is a failed vote. It requires a majority to pass.”

PARLIAMENTARY INQUIRY

Senator Padden: “Thank you, Mr. President. Kind of as a follow-up to the point of inquiry from the gentleman from the 42nd, when there is a 24-24 tie, you said it fails it needs a majority, but Mr. President, do you have the authority to break that tie?”

REPLY BY THE PRESIDENT

President Heck: “It is a discretionary authority Senator.”

(April 24, 2021)

Remote voting – amendments

PARLIAMENTARY INQUIRY

Senator Sheldon: “Mr. President, thank you. Question: when I see the vote totals for that last amendment it totaled 47. Why does the

Art. 2, Section 22 of the State Constitution. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.”

vote total not total 49? Wouldn't you add in anyone that's absent or excused?"

President Heck: "Senator Sheldon, this is the same thing as a voice vote that would occur on an amendment. And so, if you were sitting on the floor and were not voting, you wouldn't be tabulated as such either. Remember, this is an analog voice voting."

Senator Sheldon: "So, perhaps then, for the first bill, when the amendment did total 49, because that was recorded?"

President Heck: "Because 49 people voted."

Senator Sheldon: "Okay. Alright, thank you."

(January 27, 2021)

Must be visible to vote¹⁴

REMARKS BY THE PRESIDENT

President Heck: "Before we begin, two general purpose announcements. The first of which is Leg-Tech has alerted us that you may need to click refresh in your browser to refresh FAR voting. After refreshing, if you do not see the request to speak button, please click the login button in the top-right of the screen. And of course as always, if you still have an issue with FAR voting, please contact Leg-Tech. Secondly, we had this conversation earlier that we have attempted with outstanding staff support, in the cooperation of almost all of you, to have this hybrid system of in person and remote participation simulate to the highest degree possible the same thing as though you were here. So, I remind you one more time that in

¹⁴ **Senate Rule 22 (1)**. ". . . No senator shall be allowed to vote except when within the bar of the senate. . . ."

order to be able to vote you must be seen. Staff up here can see whether or not you're on camera. You cannot, you are prohibited from voting off camera. If we do not see you, and I am alerted by staff, your vote will not count."

(February 23, 2021)

Roll call may not be interrupted¹⁵

PARLIAMENTARY INQUIRY

Senator Hasegawa: "Well, the board said we were on second reading, so it was not clear to me exactly which one we were on when we were voting, but never mind, that's okay. We need, we actually do need a button I think, to be able to get a clarification like that."

REPLY BY THE PRESIDENT

President Heck: "A roll call is not interruptible Senator Hasegawa."

(March 5, 2021)

¹⁵ **Senate Rule 22 (3)**. ". . . When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate."

RULINGS OF LIEUTENANT GOVERNOR DENNY HECK

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APPENDIX – Summary of Senate Motions

SUMMARY OF SENATE PARLIAMENTARY MOTIONS							
	Motion	Rules	Debatable?	Amendable?	Second?	Vote Needed*	Notes
PRIVILEGED	Adjourn	Rule 21, 38; Reed’s 168, 169, 198, 201, 176	No	No	None	Majority of those present.	In the absence of another time, convening time is 10 am (Rule 15). Always in order unless under Call of the Senate or in a roll call vote.
	Recess/Go at Ease	Rule 21; Reed’s 168, 174, 198, 201	No	No	None	Majority of those present.	Cannot amend, but can defeat and propose different time in new motion.
	Reconsider	Rule 21, 37; Reed’s 202-11	No	No	Maker on prevailing side	Majority of those present.	Special timing rules for when the underlying matter may be brought up.
	Call of the Senate	Rule 21, 24	No	No	2 others (3 total)	Majority of those present.	Can be made even in a roll call vote.
	Roll Call	Rule 21-22, 39	No	No	1/6 of those present (usually, 9)	Sustained by 1/6 present.	Cannot be interrupted except for a Call of the Senate.
	Question of Privilege	Rule 21, 33; Reed’s 168, 178-80, 198	No	No	None	Any Senator may rise.	These are points of personal privilege.
	Orders of the Day	Rule 17, 21	No	No	None	Majority of those present.	Go in order from 1-9, unless other motion.
INCIDENTAL	Point of Order	Rule 1, 21, 32; Reed’s 181-86, 199	Yes	No	None	Decision of the President.	One argument typically allowed for each side.
	Appealing Ruling	Rule 1, 21, 32; Reed’s 185	Yes	No	None	Majority of those present.	Each member may only speak once.
	Suspend the Rules	Rule 21, 35; Reed’s 181, 189-92, 199	No, except for maker and rebuttal	No	None	2/3 of those present.	Special rules for 2 nd and 3 rd reading near cutoff/ <i>Sine Die</i> (need simple majority).
	Reading Papers	Rule 21, 27; Reed’s 187-88, 199	No	Yes	None	Majority of those present.	Practice is to allow reading unless there is an objection.
	Withdraw a Motion	Rule 20, 21; Reed’s 181, 189, 190, 199	No	No	None	Majority of those present.	Practice is to allow withdrawal unless there is an objection.
	Division of a Question	Rule 21, 31; Reed’s 181, 151-53, 193, 199	No	No	None	Any Senator may demand.	Only parts which may function independently may be divided.
SUBSIDIARY	Lay on the Table (1 st Rank)	Rule 21; Reed’s 197	No	No	None	Majority of those present.	Does not carry the main question unless so specified.
	Demand the Previous Question (2 nd Rank)	Rule 21, 36; Reed’s 123-27, 197, 201, 268, 269	No	No	2 others (3 total)	Majority of those present.	Ends debate immediately, except maker may close debate.

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	Motion	Rules	Debatable?	Amendable?	Second?	Vote Needed*	Notes
SUBSIDIARY	Postpone to a Day Certain (3 rd Rank)	Rule 21; Reed's 118, 197, 201, 256	Yes	Yes	None	Majority of those present.	Once motion is decided, cannot bring this motion again on the same day at the same stage of the proceedings.
	Commit or Recommit (3 rd Rank)	Rule 21, 68; Reed's 119, 120, 197, 201	Yes	Yes	None	Majority of those present.	Once motion is decided, cannot bring this motion again on the same day at the same stage of the proceedings.
	Postpone Indefinitely (3 rd Rank)	Rule 21; Reed's 121-22, 197, 201	Yes	No	None	Majority of those present.	Once motion is decided, cannot bring this motion again on the same day at the same stage of the proceedings. <i>Question postponed indefinitely cannot be raised again all Session.</i>
	Amend (4 th Rank)	Rule 21; Reed's 129-61, 197	Yes	Yes	None	Majority of those present.	Limited to amendments in the second degree.
MISCELLANEOUS	Special Order of Business	Rule 18	Yes	Yes	None	Majority of those present.	Senate may complete prior business afterwards.
	Recall a Bill from Committee	Rule 48	Yes	Yes	None	Majority of total membership.	Need to be in the Ninth Order.
	Division (vote)	Reed's 231	No	No	None	Any member may demand.	Also known as a Rising Vote.
	Motions in relation to other motions (priority/propriety)	Reed's 200, 201	No	No	None	Any member or the President may question.	Necessarily takes precedence of all other motions, except point of order.

* Rule 54: "Majority' shall mean a majority of those present unless otherwise stated."

Reed's Rule 198 – Privileged Questions: "Privileged questions are those which arise out of the needs of the assembly as a deliberative body. They have precedence over the main question, and over all subsidiary questions, because they concern the whole body and are essential to its needs."

Reed's Rule 199 – Incidental Questions: "Incidental questions are those which arise out of the needs of the orderly conduct of such business as comes before the assembly, whether it relates to the main question or to the privileged questions."

Reed's Rule 197 – Subsidiary Motions: "Subsidiary motions are those which directly concern the main question, and relate to the progress of that particular piece of business. They are of different rank, by which it is meant that some have precedence over the others...Those of superior rank precede those of inferior rank; those of the same rank have no precedence over each other."