



COMMONWEALTH of VIRGINIA

Office of the Lieutenant Governor

William T. Bolling
Lieutenant Governor

(804) 786-2078
Fax: (804) 786-7514
TTY/TDD: 1-800-828-1120
EMAIL: ltgov@ltgov.virginia.gov

MEMORANDUM

TO: Members of the Senate of Virginia
FROM: Lieutenant Governor Bill Bolling
DATE: March 12, 2010
RE: Rules of the Senate

Bu

During yesterday's floor session, Senator Vogel asked that I provide the members of the Senate with some guidance on whether or not a Senate subcommittee has the authority to take final action on a bill referred to it by a committee chairman.

In providing this guidance I am relying on the Rules of the Senate as adopted on January 18, 2010. There are several Rules that are pertinent to this discussion and those rules will be referenced below.

Rule 27 of the Rules of the Senate provides that:

Bills or resolutions originating in the House of Delegates and communicated to the Senate shall be read by title the first time when received and referred to the appropriate committee unless otherwise directed by the Senate.

NOTE: I sight this Rule because the bills that have given rise to the questions at hand all appear to be bills that originated in the House of Delegates.

Rule 20 (c) of the Rules of the Senate provides, in part, that:

All committees shall be governed by the Rules of the Senate.

Rule 20 (h) of the Rules of the Senate provides that:

The Chair of any committee may appoint subcommittees to consider a particular bill or Resolution or to consider matters relative to a portion of the work of the committee. Such subcommittees shall make recommendations to the committee.

The plain reading of Rule 20 (h) is clear. While subcommittees may consider bills referred to them, the only authority given to a subcommittee under the Rules of the Senate is to make recommendations to the full committee. The Rules of the Senate do not authorize a subcommittee to take final action on any bill.

In addition, I would note that every other Rule of the Senate that vests the power to take any action on a bill vests that power in the committee to which a bill has been referred. For example:

- Rule 20 (i) gives committees the power to confer with Committees of the House of Delegates
- Rule 20 (j) outlines how committees may dispose of bills referred to them
- Rule 20 (l) gives committees the power to refer the subject matter of bills to other agencies, commissions, boards, councils or governmental or non-governmental entities
- Rule 20 (m) authorizes committees to seek and obtain the services of citizens to assist in the review of legislation

The Rules of the Senate appear to vest all power and authority in committees. No such power and authority is vested in subcommittees under the Rules of Senate, and, as noted above, Rule 20 (h) would appear to directly limit the power of subcommittees to the consideration of bills referred to them and the making of recommendations to the full committee on how those bills should be disposed of.

As you know, the Senate has long prided itself on compliance with the Rules and traditions of the Senate. It is important that the Rules and traditions of the Senate be complied with when they advance members ultimate goals and objectives, and even when they do not.

Accordingly, and based on my objective interpretation of the Rules of the Senate, it is my belief that Senate subcommittees do not have the authority to take final action on any bill or resolution referred to them. The subcommittee can consider such bills and resolutions, but ultimately, the subcommittee is only empowered to make recommendations to the full Committee. The ultimate authority of taking final action on such bills and resolutions rests solely with the full committee.

Some members have suggested that Senate sub-committees should have the power to defeat bills because that is the practice of the House of Delegates. Unfortunately, the

practice of the House of Delegates has no impact on the application of the Rules of the Senate.

In addition, I would note that the Rules of the House of Delegates specifically provide that subcommittees can take final action on bills referred to them. The pertinent House rule is set forth below:

Rule 18 - The Chairman, at his discretion, may refer legislation for consideration to a subcommittee. If referred to a subcommittee, the legislation shall be considered by the subcommittee. If the subcommittee does not recommend such legislation by majority vote, the chairman need not consider the legislation in full committee.

In other words, the Rules of the House of Delegates specifically authorize subcommittees to take final action on bills referred to them. No similar authorization is contained in the Rules of the Senate. If it is the Senate's desire to vest this power in subcommittees, the Rules should be changed to clearly give subcommittees that authority.

I hope that the information contained in this Memorandum will be helpful in determining how these issues should be resolved in the future in accordance with the Rules of the Senate.

WTB/