

## MORNING HOUR

*See also* "Morning Business," pp. 918-926.

The Morning Hour runs for 2 hours at the beginning of each new legislative day, unless otherwise dispensed with. During the Morning Hour the Senate first considers the routine morning business (for details, *see* "Morning Business," pp. 918-926), after which, unless the Senate otherwise orders, it proceeds to the call of the Calendar which runs until the conclusion of the Morning Hour. The morning business could consume the whole 2 hours. On any day except Mondays, however, immediately after the close of the morning business, it is in order to move to the consideration of any bill or resolution on the Calendar of General Orders, and the motion to consider any such measure (except one which amends the Standing Rules of the Senate) made before the expiration of 2 hours is determined without debate. Once the Senate proceeds to the consideration of a measure before the Morning Hour has elapsed, the consideration thereof runs for what remains of those 2 hours, unless earlier disposed of (or unless it is privileged business such as a conference report which takes precedence), at which time the unfinished business (if any) is laid before the Senate. If there is no unfinished business, the Senate may continue with that business, if not already disposed of, until action thereon is concluded or until the Senate decides to proceed to another matter.

If at the conclusion of the morning business, but before morning business is formally closed, the Chair lays before the Senate a resolution coming over under the rule, that is also debatable until the Morning Hour has expired if not otherwise disposed of, at which time it is placed on the Calendar of General Orders, from which it may be proceeded to by a debatable motion. If there is unfinished business, it would be laid down at the conclusion of the Morning Hour.

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### Rule VII

For complete rule, *see* pp. 919-920.

### Rule VIII

#### [Call of Calendar Procedure; Motion To Consider Not Debatable; and Germaneness of Debate]

1. At the conclusion of the morning business at the beginning of a new legislative day, unless upon motion the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of the Calendar of Bills and Resolutions, and shall continue such consideration until 2 hours after the Senate convenes on such day (the end of

the morning hour); and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and an objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "other resolutions", or after disposition of resolutions coming "over under the rule", and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed on motion with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

2. All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable. Motions made after the first two hours of a new legislative day to proceed to the consideration of bills and resolutions are debatable.

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### Statement by the Chair

"In the routine business of the Senate, almost from time immemorial there has been what is known as the Morning Hour. The Morning Hour comes only following an adjournment of the Senate. It does not come following a recess of the Senate, because under immemorial custom a recess of the Senate is different from an adjournment, in that when the Senate reassembles after a recess it is still operating in the same legislative day in which it recessed. Therefore there is no Morning Hour after a recess, but only after an adjournment."<sup>1</sup>

### Call of Calendar Under Rule VIII:

The Calendar is called during the Morning Hour, unless by order of the Senate it is determined otherwise. For details, see "Calendar," pp. 253-267.

### Conference Reports:

For details on consideration of conference reports during the Morning Hour, see pp. 471-475.

### Debate During the Morning Hour:

See "Morning Hour: Debate During, After Morning Business," pp. 759-761.

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<sup>1</sup> Jan. 24, 1949, 81-1, *Record*, p. 481.

### Debate, Germaneness of:

See "Extent of Debate," pp. 862-863.

### Definition of Morning Hour:

The rule governing the Morning Hour is not changed by a change in the hour of meeting of the Senate.<sup>2</sup>

An adjournment of a day's session is necessary to bring about a Morning Hour at the next reassembling or meeting of the Senate.<sup>3</sup> When the Senate takes a recess there is no Morning Hour under the rule at its next meeting, and a single objection will prevent the transaction of morning business specified under Rule VII; after an adjournment the Morning Hour is automatic.<sup>4</sup>

The Morning Hour expires 2 hours after the reassembling of the Senate following an adjournment,<sup>5</sup> but by unanimous consent the Morning Hour may be terminated before the expiration of the regular 2-hour period,<sup>6</sup> or it may be extended.<sup>7</sup> A recess for a certain period of time within the Morning Hour, extends the Morning Hour for the same period of time.<sup>8</sup>

A unanimous consent agreement (1) providing for a limitation of debate on a bill between the hours of 12 o'clock noon and 2 p.m.,<sup>9</sup> (2) providing for a call of the Calendar upon the convening of the Senate,<sup>10</sup> or (3) providing for a division of the time between the hour of meeting of the Senate and a certain hour, to be controlled by certain Senators<sup>11</sup> has the effect of suspending proceedings under the Morning Hour when the Senate reassembles following an adjournment.

<sup>2</sup> See June 27, 1884, 48-1, *Record*, p. 5670.

<sup>3</sup> See Dec. 18, 1945, 79-1, *Record*, pp. 12259-60.

<sup>4</sup> See July 24, 1956, 84-2, *Record*, pp. 14160-63, 14171; July 25, 1956, 84-2, *Record*, pp. 14323-28; Aug. 16, 1960, 86-2, *Record*, p. 16543.

<sup>5</sup> Nov. 27, 1950, 81-2, *Record*, p. 15778; Aug. 7 and 10, 1888, 50-1, *Record*, pp. 7284, 7424, 7426; see also May 28, 1948, 80-2, *Record*, p. 6668; Feb. 16, 1956, 84-2, *Record*, p. 2634; May 4, 1960, 86-2, *Record*, pp. 9370-71; Jan. 26, 1966, 89-2, *Record*, p. 1160.

<sup>6</sup> Nov. 27, 1950, 81-2, *Record*, pp. 15778-79.

<sup>7</sup> See Mar. 4, 1960, 86-2, *Record*, p. 9370-71.

<sup>8</sup> Sept. 11, 1987, 100-1, *Record*, p. S 11991.

<sup>9</sup> See Mar. 15, 1951, 82-1, *Record*, p. 2490.

<sup>10</sup> See June 20, 1952, 82-2, *Record*, p. 7700.

<sup>11</sup> See Mar. 28, 1950, 81-2, *Record*, p. 4230.

**Executive Business:**

For precedence of business over Morning Business and its privileged status, *see* "Executive Business and Executive Sessions," pp. 832-842.

**Germaneness of Debate:**

*See* pp. 742-745.

**Motion To Consider Not Debatable:**

*See* "Morning Hour: Debate During, After Morning Business," pp. 759-761.

**Over Under the Rule:**

*See* pp. 957-967.

**Personal Privilege, Question of, Raised During Morning Hour:**

A question of personal privilege is not in order pending action on a motion in the Morning Hour to proceed to the consideration of a matter, and a Senator who during the consideration of morning business rises to a question of personal privilege must confine himself to the question. For details on, *see* "Personal Privilege, Debate of," pp. 984-985.

**Procedure in the Morning Hour:**

Under Rule VIII, in a new legislative day, after the conclusion of the Morning Business, "unless upon motion the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of the Calendar of Bills and Resolutions, and shall continue such consideration until \* \* \*" the expiration of 2 hours. For details *see* "Call of Calendar Under the Rule," pp. 258-263. *See also* "Morning Business," pp. 918-926, and "Unfinished Business," pp. 1370-1380.

After the morning business is concluded or after the expiration of 1 hour in a new legislative day, except on Mondays, a motion to take up a specific bill or resolution

on the Calendar, including the unfinished business,<sup>12</sup> is always in order.<sup>13</sup>

After the morning business has been concluded, even prior to the expiration of 1 hour, under paragraph 2 of Rule VII, a motion to proceed to the consideration of a specific bill or resolution on the Calendar out of its regular order is in order<sup>14</sup> (except on Mondays when the call is under Rule VIII) and this business has precedence over a call of the Calendar under Rule VIII.<sup>15</sup>

Until the morning business is concluded or until 1 hour has elapsed after the Senate convenes on a new legislative day, a motion to proceed to the consideration of any bill on the Calendar is not in order.<sup>16</sup>

The consideration of a bill or resolution taken up during the Morning Hour does not displace the unfinished business, but the consideration of the bill would be stopped at the expiration of the Morning Hour, giving way to the unfinished business and taking its place on the Calendar when there is unfinished business<sup>17</sup> which automatically laid before the Senate at that hour.<sup>18</sup>

On two occasions, a point of order submitted to the Senate during the Morning Hour that Rule XIV was superseded by Rule XXV was displaced by the unfinished business at the expiration of the Morning Hour; in the first instance consideration of the point of order was continued by unanimous consent, and then withdrawn; in the second instance the Chair indicated that the point of order would not recur automatically in the next Morning

<sup>12</sup> See Dec. 10, 1941, 77-1, *Record*, p. 9605.

<sup>13</sup> Feb. 20, 1884, 48-1, *Record*, p. 1251; Jan. 30, 1935, 74-1, *Record*, p. 1215; Mar. 11, 1916, 64-1, *Record*, p. 3941; Feb. 25, 1927, 69-2, *Journal*, p. 234, *Record*, p. 4820; June 2, 1913, 63-1, *Record*, p. 1844; Aug. 18, 1911, 62-1, *Journal*, p. 185, *Record*, p. 4118; Mar. 2, 1901, 56-2, *Record*, p. 3419; Dec. 12, 1894, 53-3, *Journal*, p. 25, *Record*, p. 240; see also Apr. 28, 1914, 63-2, *Record*, p. 7357; Feb. 20, 1885, 48-2, *Record*, p. 1932.

<sup>14</sup> June 27, 1914, 63-2, *Record*, p. 11223; June 29, 1914, 63-2, *Record*, pp. 11286-88; Feb. 28, 1907, 59-2, *Record*, p. 4223; Feb. 20, 1884, 48-1, *Record*, p. 1251; Jan. 30, 1935, 74-1, *Record*, p. 1215; May 2, 1914, 63-2, *Record*, p. 7607; June 2, 1913, 63-1, *Record*, p. 1844; Aug. 18, 1911, 62-1, *Journal*, p. 185, *Record*, p. 4118; Mar. 2, 1901, 56-2, *Record*, p. 3419.

<sup>15</sup> Feb. 8, 1888, 50-1, *Record*, p. 1044.

<sup>16</sup> Feb. 25, 1897, 54-2, *Record*, p. 2226; Feb. 28, 1913, 62-3, *Record*, p. 4258; Jan. 3, 1917, 64-2, *Record*, p. 791; July 10, 1947, 80-1, *Record*, p. 8568; May 26, 1942, 77-2, *Record*, p. 4538; Apr. 28, 1928, 70-1, *Record*, pp. 7371, 7373; July 8, 1921, 67-1, *Record*, p. 3451; Apr. 24, 1918, 65-2, *Record*, pp. 5546-47; Mar. 21, 1914, 63-2, *Record*, pp. 5216-17; Aug. 18, 1911, 62-1, *Journal*, p. 185, *Record*, p. 4118; Mar. 27, 1914, 63-2, *Record*, p. 5574; see also Nov. 16, 1937, 75-2, *Record*, p. 28.

<sup>17</sup> See Apr. 28, 1914, 63-2, *Record*, p. 7357; Feb. 26, 1927, 69-2, *Record*, p. 4901.

<sup>18</sup> Mar. 21, 1914, 63-2, *Record*, p. 5219; see July 17, 1912, 62-2, *Record*, p. 9166; Jan. 21, 1914, 63-2, *Record*, p. 2019; see also pp. 689-96, 253-54, and 257-62 of this volume.

Hour, but would "have to come up on motion at some appropriate time."<sup>19</sup>

The unfinished business is not displaced by a bill taken up in the Morning Hour.<sup>20</sup>

The rejection in the Morning Hour of a motion to take up a bill which had previously been made the unfinished business does not affect the status of such bill as unfinished business.<sup>21</sup>

The consideration of a bill or resolution (as opposed to a resolution coming over under the rule) taken up on motion during the Morning Hour continues beyond the expiration of 2 hours when there is no unfinished business,<sup>22</sup> unless displaced by motion<sup>23</sup> and upon adjournment will become the unfinished business, unless displaced by motion in the meantime.<sup>24</sup>

The consideration of a bill in the Morning Hour, which is interrupted by an executive session, is resumed when the Senate returns to legislative session prior to the expiration of 2 hours.<sup>25</sup>

A bill taken up on motion in the Morning Hour, and interrupted at the expiration of 2 hours by an executive session, becomes the unfinished business when no other measure is pending as such, upon adjournment of the Senate as in legislative session;<sup>26</sup> likewise, a bill taken up on motion in the Morning Hour, the consideration of which is interrupted by an executive session prior to the expiration of 2 hours, or the expiration of the Morning Hour, does not automatically become the unfinished business; such a bill, however, would become the unfinished business if the Senate returned to legislative session after the expiration of 2 hours on that day, and there was no unfinished business and that bill was the pending question at the time of adjournment.<sup>27</sup>

A resolution submitted during the Morning Hour, and considered by unanimous consent, does not go to the Cal-

<sup>19</sup> July 23, 1962, 87-2, *Record*, pp. 14503-04; Aug. 9, and 13, 1962, 87-2, *Record*, pp. 16112, 16317-21, 16325.

<sup>20</sup> See Feb. 18, 1909, 60-2, *Record*, p. 2615.

<sup>21</sup> See Sept. 22, 1950, 81-2, *Record*, p. 15489.

<sup>22</sup> See Dec. 9, 1914, 63-3, *Record*, p. 46; Feb. 7, 1916, 64-1, *Record*, p. 2199; Mar. 9, 1916, 64-1, *Record*, p. 3809; Mar. 27, 1939, 76-1, *Record*, pp. 3335-36; Dec. 9, 1926, 69-2, *Record*, p. 124; June 25, 1914, 63-2, *Record*, p. 11099; Mar. 30, 1960, 86-2, *Record*, p. 6931; Mar. 30, 1960, 86-2, *Record*, p. 6931.

<sup>23</sup> See Dec. 9, 1926, 69-2, *Record*, p. 124.

<sup>24</sup> Sept. 13, 1940, 76-3, *Record*, p. 12057; see also Feb. 7, 1916, 64-1, *Record*, p. 2199.

<sup>25</sup> See Dec. 22, 1914, 63-3, *Record*, p. 491.

<sup>26</sup> Jan. 7, 1927, 69-2, *Journal*, p. 68, *Record*, pp. 1215-18.

<sup>27</sup> Sept. 23 and 24, 1919, 66-1, *Record*, pp. 5769, 5840.

endar after the expiration of 2 hours if there is no unfinished business.<sup>28</sup>

A motion to take up a veto message in the Morning Hour does not violate a unanimous consent agreement relative to unfinished business.<sup>29</sup>

The reading of a report accompanying a bill, since that would be in the nature of debate, is not in order, pending a motion in the Morning Hour to proceed to the consideration of a bill. See "Morning Hour, Debate During, After Morning Business," pp. 759-761.

#### **Recess—No Morning Hour Follows:**

There is no Morning Hour under the rules following a recess.<sup>30</sup>

#### **Reports, Filing After Morning Hour:**

Unanimous consent is required to file a report after the morning business. See "When Reports Are in Order," pp. 1200-1201.

#### **Termination of:**

A motion that the Morning Hour be terminated 1 hour after the convening of the Senate, and that thereupon the Senate proceed to vote on a motion previously made to lay a motion on the table, was held not to be in order.<sup>31</sup>

#### **Unanimous Consent Procedure:**

The Senate, by unanimous consent, which would waive the Morning Hour, may transact any business during the Morning Hour and according to such procedure as it desires. See "Unanimous Consent Agreements," pp. 1311-1369.

#### **Unfinished Business:**

It is in order, during the Morning Hour after the conclusion of the morning business, to move to proceed to the consideration of a bill which has been made the unfinished business, and the consideration of bills during the

<sup>28</sup> See Jan. 17, 1918, 65-2, *Record*, pp. 912, 919.

<sup>29</sup> Dec. 16, 1924, 68-2, *Journal*, p. 38.

<sup>30</sup> See Feb. 2, 1966, 89-2, *Record*, pp. 1863-64.

<sup>31</sup> Aug. 29, 1959, 86-1, *Record*, p. 17345.

Morning Hour has no effect on the status of the unfinished business. The Chair has laid the unfinished business before the Senate at the close of morning business, even though the Morning Hour had not yet expired, when the Senate convened on a new legislative day, pursuant to an order that limited the time for morning business to twenty minutes, waived the call of the calendar and barred resolutions and motions from coming over, under the rule.<sup>32</sup> For details, *see* "Unfinished Business," pp. 1370-1380.

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## MOTIONS

*See* under various subjects for detail on types and characteristics of motions.

### **Adoption of by Majority Vote:**

*See* "Voting," pp. 1397-1437.

### **Loses Floor When Vote on:**

If a motion is put to a vote the mover loses the floor, and it is then the duty of the Presiding Officer to recognize the Senator who first rises and addresses him.<sup>1</sup>

### **Motions, Coupling of:**

A motion to consider a bill and as a part of the motion to refer it to a committee is not in order.<sup>2</sup>

### **Motions in Order:**

*See* under subject matter.

### **Motions Not in Order:**

*See* under subject matter.

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<sup>32</sup> Sept. 10, 1987, 100-1, *Record*, p. S 11929.

<sup>1</sup> *See* May 1, 1928, 70-1, *Record*, p. 7305.

<sup>2</sup> *See* July 23, 1962, 87-2, *Record*, pp. 14503-04.