

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Olson	Sams
Bachmann	Higgins	Krentz	Orfield	Samuelson
Belanger	Hottinger	Langseth	Ourada	Scheevel
Berg	Johnson, Dave	Larson	Pappas	Schwab
Berglin	Johnson, Dean	Lesewski	Pariseau	Solon
Betzold	Johnson, Debbie	Limmer	Pogemiller	Stevens
Chaudhary	Johnson, Doug	Lourey	Price	Stumpf
Cohen	Kelley, S.P.	Marty	Ranum	Terwilliger
Day	Kelly, R.C.	Metzen	Reiter	Tomassoni
Dille	Kierlin	Moe, R.D.	Rest	Vickerman
Fischbach	Kinkel	Murphy	Ring	Wiener
Foley	Kiscaden	Neuville	Robling	Wiger
Fowler	Kleis	Oliver	Sabo	

So the bill passed and its title was agreed to.

S.F. No. 741: A bill for an act relating to Hennepin county; authorizing disaster volunteer leave; proposing coding county; authorizing disaster volunteer leave; proposing coding for new law in Minnesota Statutes, chapter 383B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Olson	Samuelson
Belanger	Higgins	Krentz	Orfield	Scheid
Berg	Hottinger	Langseth	Ourada	Solon
Berglin	Johnson, Dave	Larson	Pappas	Stumpf
Betzold	Johnson, Dean	Lessard	Pogemiller	Terwilliger
Chaudhary	Johnson, Debbie	Limmer	Price	Tomassoni
Cohen	Johnson, Doug	Lourey	Ranum	Vickerman
Day	Kelley, S.P.	Marty	Rest	Wiener
Dille	Kelly, R.C.	Metzen	Ring	Wiger
Fischbach	Kierlin	Moe, R.D.	Robling	
Foley	Kinkel	Murphy	Sabo	
Fowler	Kleis	Oliver	Sams	

Those who voted in the negative were:

Bachmann	Lesewski	Pariseau	Scheevel	Stevens
Kiscaden	Neuville	Reiter	Schwab	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Stevens moved that S.F. No. 527 be withdrawn from the Committee on Education and re-referred to the Committee on Health and Family Security. The motion prevailed.

Senator Scheevel moved that S.F. No. 703, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senators Moe, R.D. and Day introduced--

Senate Resolution No. 71: A Senate resolution adopting Permanent Rules of the Senate.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Permanent Rules of the Senate for the 82nd Legislature shall read as follows:

(2001 Temporary Rule numbers shown in [brackets])

1. PARLIAMENTARY REFERENCE [1]

The rules of parliamentary practice ~~comprised~~ contained in Mason's Manual of Legislative Procedure shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with these rules and orders of the Senate and the joint rules and orders of the Senate and House of Representatives.

2. REPORTING OF BILLS [34]

2.1 Every bill, memorial, order, resolution or vote requiring the approval of the Governor shall must be reported to the Senate on three different days ~~previous to~~ before its passage.

(a) The first report, called the first reading, is made when it has been received for introduction;

(b) The second report, called the second reading, is made when it has been considered by all the necessary standing committees and is ready for debate;

(c) The third report, called the third reading, is made when it is ready for final passage.

3. BILL INTRODUCTION [32, 33]

3.1 [32] Bills, memorials, and concurrent or joint resolutions may be introduced by a member or by ~~order of the Senate on a report of~~ a standing committee.

3.2 [32] The name of the author ~~or, authors, or committee~~ shall must be prefixed to each written on the bill, memorial or resolution ~~and the name of a committee introducing a bill, memorial or resolution shall be endorsed on it.~~ The number of authors shall may not exceed five.

3.3 [32] An original and three copies are required for introduction.

3.4 [32] A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall ~~place it in the hands~~ deliver it to the office of the Secretary, and the Secretary shall promptly deliver all the bills, memorials or concurrent or joint resolutions to the President who shall present them to the Senate.

3.5 [32] ~~A bill prepared by a department or agency of state government shall be introduced and given its first reading three weeks before the first committee deadline in odd-numbered years and two weeks before the first committee deadline in even-numbered years.~~

Upon its introduction, the first chief author of the bill shall arrange to deliver a copy of the fiscal note on the bill to the chair of the standing committee and budget division to which the bill has been referred.

3.6 [33] During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, a bill filed with the Secretary for introduction shall must be given a file number and may be unofficially referred by the President, with the approval of the Chair of the Committee on Rules and Administration, to an appropriate standing committee of the Senate. All bills filed for introduction during this period shall must be presented to the Senate when it reconvenes and shall must be referred to the standing committees previously indicated by the President, subject to objection to the referral under Rule 4.8 [35].

4. BILL REFERRAL [35, 36]

4.1 [35] ~~All bills shall be referred by~~ The President shall refer each bill without motion to the proper standing committee unless otherwise referred by the Senate.

4.2 [36] ~~No~~ A bill or resolution ~~shall~~ may not be referred to committee or amended until it has been given its first reading.

4.3 [36] ~~No~~ A member may not object to a bill or resolution ~~shall be objected to~~ on its introduction.

4.4 [35] All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than the committee on Finance, ~~shall, before passage, must be referred before passage to the committee on Finance, except that a bill relating to education shall be referred to the Committee on Education instead of to the Committee on Finance.~~

4.5 [35] All bills delegating rulemaking to a department or agency of state government and all bills exempting a department or agency of state government from rulemaking, when referred to and reported by any other than the Committee on State and Local Government Operations, ~~shall, before passage, must be referred before passage to the Committee on State and Local Government Operations.~~

4.6 [35] All bills creating a new commission, council, task force, board, or other body to which a member of the legislature will be appointed ~~shall, before passage, must be referred before passage both to the Committee on State and Local Government Operations and to the Committee on Rules and Administration.~~

4.7 [35] All bills authorizing or increasing a sentence of imprisonment to a state correctional institution shall must be referred before passage to the Committee on Crime Prevention.

4.8 [35] ~~Upon request of the chair of a budget division of a committee, the chair of the committee shall refer a bill in that committee to the division.~~

A bill introduced by a committee need not be referred to a standing committee unless a question arises ~~but rather shall~~. It must lie over one day before being given its second reading.

4.9 [35] ~~When~~ A member may question arises concerning the proper reference of a bill during the order of business of first reading on the day of introduction or at the time of report on it by a standing committee to which the bill was previously referred. ~~When a member questions the reference of a bill, the bill shall must be referred without debate to the Committee on Rules and Administration to report the proper reference, and. Upon adoption of the report of the Committee on Rules and Administration, it shall the bill must be referred accordingly.~~

5. RECALL FROM COMMITTEE [40]

5.1 With the concurrence of the first chief author of the bill, before the deadline for committee action on the a bill, a majority of the whole Senate and after the deadline for committee action on the bill 60 percent of the Senate may recall a the bill from any a committee and re-refer it to any other committee or place it on General Orders. After the committee deadline for action on a bill, 41 affirmative votes of the whole Senate may recall the bill from any committee and re-refer it to any other committee or place it on General Orders.

5.2 By a report of the Committee on Rules and Administration adopted by the Senate, the Committee on Rules and Administration, on request of the first chief author, may remove a bill from committee and re-refer it to any other committee or place it on General Orders.

6. RESOLUTIONS [53]

6.1 Memorial resolutions addressed to the President or the Congress of the United States, or a house or member of Congress, or a department or officer of the United States, or a state or foreign government, joint resolutions, and resolutions requiring the signature of the Governor ~~shall~~ must follow the same procedure as bills before being adopted.

6.2 A resolution may not be changed to a bill, and a bill may not be changed to a resolution.

6.3 ~~Upon~~ When a member ~~giving~~ gives notice of ~~intention~~ intent to debate a resolution not required to follow the same procedure as bills and not offered by the Committee on Rules and Administration, the resolution ~~shall~~ must lie over one calendar day without debate or other action.

6.4 Upon the request of a member, the resolution ~~shall~~ must be referred to the proper committee. ~~Whenever~~ If a question arises concerning the proper reference the procedure provided by Rule 4.8 [35] applies.

7. CONFIRMATIONS [54]

7.1 Every gubernatorial appointment requiring the advice and consent of the Senate ~~shall~~ must be referred by the President to the appropriate committee. If a question arises as to the proper committee, the appointment ~~shall~~ must be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

7.2 An appointment referred to committee and not reported to the Senate within one year after it was referred is withdrawn from committee and placed on the confirmation calendar for consideration by the Senate before adjournment of the regular session.

7.3 The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question ~~shall~~ must not be put the same day the appointment is received or on the day it is reported by committee ~~unless~~ except by unanimous consent.

8. STANDING COMMITTEES [57]

The standing committees of the Senate are as follows:

Agriculture, General Legislation and Veterans Affairs

Capital Investment

Commerce

Crime Prevention

Education

Environment and Natural Resources

Finance

Health and Family Security

Jobs, Housing and Community Development

Judiciary

Rules and Administration

State and Local Government Operations

Taxes

Telecommunications, Energy and Utilities

Transportation

9. APPOINTMENTS TO STANDING COMMITTEES [56]

9.1 The majority and minority ~~shall~~ groups must each be represented on all standing committees of the Senate substantially in proportion to their numbers in the Senate. The majority group shall assign the number of positions the minority group will hold on each committee. The minority group ~~shall must~~ be given adequate notice ~~about of~~ its positions prior to the commencement of ~~before the session begins~~.

9.2 Both the majority and minority groups shall appoint their own members to fill the number of positions each group will hold on each committee and budget division. The minority group shall transmit notice of its assignments to the majority group within ten calendar days after receipt of the notice of positions available. The minority group may designate a ranking member for each committee. Nothing prohibits a member of the minority group from serving as chair or vice chair of a committee, subcommittee, division, or commission. If the minority group for any reason fails to make its appointments pursuant to this rule, the majority group may make all the committee and budget division assignments.

9.3 The majority and minority committee assignments are subject to the uniform criteria governing committee assignments applicable to both the majority and minority groups. The uniform criteria ~~shall must~~ be promulgated by the majority group and transmitted to the minority group together with notification of committee and budget division positions available to the minority.

9.4 ~~Committee assignments as made by the majority and minority groups shall be followed by~~ The Senate in the resolution establishing representation on all Senate standing committees must set forth committee assignments as made by the majority and minority groups.

9.5 A member may not serve as the chair of the same standing committee or the same division of a standing committee, or a committee or division with substantially the same jurisdiction, for more than ~~two complete and three~~ consecutive Senate terms. This limit does not apply to the Committee on Rules and Administration. This limit applies to time served as a chair in the seventy-eighth legislature and thereafter.

9.6 After the organization of the Senate and after consultation and advice from the minority leader, the Chair of the Committee on Rules and Administration may add members to or delete members from the standing committees.

10. APPOINTMENTS BY SUBCOMMITTEE ON COMMITTEES [56, 57]

10.1 [57] The Committee on Rules and Administration may constitute a standing Subcommittee on Committees, the report of which within its jurisdiction has the effect of a report of the ~~main~~ Committee on Rules and Administration. The subcommittee ~~shall consist~~ consists of five members, one of whom ~~shall must~~ be a member of the minority group.

10.2 [56] Unless otherwise provided, the Subcommittee on Committees shall appoint all ~~conference committees of the Senate and members of commissions or other bodies authorized to be appointed by the Senate authorized by rule, statute, resolution or otherwise, shall be appointed by the Subcommittee on Committees of the Committee on Rules and Administration, unless otherwise provided, subject to confirmation by and report the appointments to the Senate.~~

11. COMMITTEE MEETINGS [21, 57, 58, 59, 60, 61, 77]

11.1 [58] All meetings of the Senate, its committees, committee divisions, and subcommittees are open to the public. A meeting of a caucus of the members of any of those bodies from the

same political party need not be open to the public. A caucus of the Hennepin county, Ramsey county, or St. Louis county delegation is open to the public. For purposes of this rule, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body.

11.2 [77] Any person may submit to the Chair of the Committee on Rules and Administration a complaint that members have violated the open meeting requirements of Minnesota Statutes, section 3.055. A member of the Senate may submit the complaint either orally or in writing; others must submit the complaint in writing. Whether the complaint was written or oral, the Chair of the Committee on Rules and Administration shall immediately forward it in writing to the Subcommittee on Ethical Conduct without disclosing the identity of the complainant. The complaint must not be further disclosed without the consent of the complainant, except to the members against whom the complaint was made, unless the complaint was made by a member of the Senate in writing under oath, in which case the investigatory procedures of Rule 54 [75] apply.

11.3 [58] To the extent practical, ~~meetings of all committees, subcommittees, and divisions a~~ committee, subcommittee, or division shall ~~be announced~~ announce each meeting to the public at least three calendar days ~~prior to~~ before convening. The notice shall must state the name of the committee, subcommittee, or division, the bill or bills to be considered, and the place and time of meeting. The notice shall must be posted on the Senate's Web site and on all Senate bulletin boards in the Capitol and the State Office Building. A notice shall must be sent to the House of Representatives for posting as it deems necessary. If the three-day notice requirement cannot be met, the committee, subcommittee, or division shall give simultaneous notice to all of the known proponents and opponents of the bill shall be given simultaneous notice of the meeting as soon as practicable.

11.4 [58] A Senate committee, subcommittee, or division shall adjourn no later than 4:00 10:00 p.m. each day, unless two-thirds of the members present vote to suspend this requirement.

11.5 [21] Committees shall, subcommittees, and divisions may not be absent from meet while the Senate is in session without permission of the Senate. The names of the members excused shall be printed in the Journal.

11.6 [59] A majority of its members constitutes a quorum of a committee, subcommittee, or division.

11.7 [57] Each standing committee of the Senate, including a subcommittee or division of the committee, is authorized may at any time to sit and act, to investigate and take testimony on any matter within its jurisdiction, to report hearings held by it, and to make expenditures as authorized from time to time by the standing Committee on Rules and Administration.

11.8 [57] A standing committee, but not a subcommittee or division, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of correspondence, books, papers, and documents, in the manner provided by Minnesota Statutes, section 3.153.

11.9 [60] Upon the request of a member of a committee, subcommittee, or division to which a bill has been referred, or upon the request of the chief author of the bill, a record shall must be made of the vote on the bill or any amendment in the committee, subcommittee, or division, including the vote on any amendment or proposed amendment to it, in the committee, subcommittee, or division to which the bill was referred.

11.10 [60] Upon request of three members of the committee before the vote is taken, the record of a roll call vote in a standing committee shall must accompany the committee report and be printed in the Journal.

11.11 [61] ~~No report of any~~ A committee shall be made to the Senate unless it reports report may only be based on action taken at a regular or special meeting of the committee. A report in violation of this rule is out of order.

12. HOUR OF CONVENING [2]

If the Senate adjourns without setting a time to reconvene, the Senate shall convene on ~~days of~~ meeting the next legislative day at 8:30 10:00 a.m. unless the Senate directs otherwise.

13. PRESIDENT [3, 4, 55]

13.1 [3] The President shall take the chair at the ~~hour~~ time to which the Senate adjourned. The President shall immediately call the members to order and, on the appearance of a quorum, shall proceed with the regular order of business.

13.2 [4] The President may call a member to preside. In the absence of the President, the Chair of the Committee on Rules and Administration, or the Chair's designee, shall preside over the Senate. In the absence of the President and the Chair, the Senate ~~may select a member~~ may be selected by the Senate to perform the duties of the President. Substitutions do not extend beyond adjournment.

13.3 [3] The President shall preserve order and decorum, may speak on points of order in preference to members, and shall also decide all questions of order, subject to an appeal to the Senate by a member.

13.4 [3] An appeal is decided by a majority vote of those present and voting. Upon an appeal from the decision of the President, the question is, "Shall the decision of the President be the judgment of the Senate?"

13.5 [55] ~~In addition to the duties under Rule 3,~~ The President shall sign all acts, memorials, addresses and resolutions. All writs, warrants, and subpoenas issued by the Senate ~~shall~~ must be signed by the President and attested by the Secretary.

13.6 [55] Upon a finding by the Committee on Rules and Administration that the President refuses or is unable to sign any of the documents described in this rule, the Chair of the Committee on Rules and Administration, or some other member selected by the committee, shall assume the duties of the President under this rule until the President is able to sign the documents described or until the Senate elects a new President, whichever occurs first.

14. ADMISSION TO SENATE CHAMBER [70]

14.1 The Senate Chamber is reserved for Senate use.

14.2 ~~No~~ A person shall may not be admitted within to the Senate Chamber, but except as provided in these rules. A member, an officer, the constitutional officers, ex-Governors of the State of Minnesota, members of the House, judges of the trial and appellate courts and members of Congress may be admitted.

14.3 ~~Those who have been~~ Past members of Congress or of the state Legislature who are not interested in any claim or directly in a bill pending before the Legislature may be personally admitted by a member of the Senate.

14.4 An employee of either house may be admitted at the request of a member or an officer of the Senate.

14.5 The head of a department of state government may be admitted by the President.

~~When a member-elect is sworn in, the member-elect may request that one guest be admitted.~~

14.6 A member of another state, provincial, or national legislative body may be admitted to the

floor by any member of the Senate. A member of another legislative body who is admitted to the floor may be introduced to the Senate by the President.

14.7 When the Senate is not meeting, a person who is not a member may be admitted to the floor at the request of a member or an officer.

14.8 ~~No~~ Public hearings shall may not be held in the Senate Chamber.

14.9 The Retiring Room of the Senate is reserved for the exclusive use of the members of the Senate at all times. The Sergeant at Arms shall strictly enforce this rule.

15. PRIVILEGE OF REPORTERS [71]

~~15.1 Provision shall be made~~ The Secretary shall provide space for news reporters on the Senate floor in limited numbers, and in the Senate gallery. Because of limited space on the floor, permanent space is limited to those news agencies ~~which have that regularly covered~~ cover the legislature, namely: The Associated Press, St. Paul Pioneer Press, St. Paul Legal Ledger, Star Tribune, Duluth News-Tribune, ~~Fargo~~ The Forum, Rochester Post-Bulletin, St. Cloud Daily Times, WCCO radio, KSTP radio, and Minnesota Public Radio. The Secretary shall provide an additional two spaces ~~shall be provided~~ to other reporters if space is available. One person from each named agency and one person from the Senate Publications Office may be present at the press table on the Senate floor at any ~~one~~ time. Other news media personnel may occupy seats provided in the Senate gallery.

15.2 The Secretary ~~of the Senate~~ shall compile and distribute to the public a directory of reporters accredited to report from the Senate floor. The directory must include each reporter's picture and news organization and a brief biography.

15.3 The Secretary must issue each accredited reporter an identification badge showing the reporter's name and news organization. The reporter must wear the badge when in the Senate Chamber.

16. DECORUM [71, 72, 73, 74]

16.1 [72] In case of a disturbance or disorderly conduct in the lobbies or galleries, the President may order them cleared.

16.2 [73] ~~No introduction of~~ A member may not introduce a visitor or visitors in the galleries ~~shall be made from the floor or rostrum of the Senate.~~

16.3 [74] ~~No person~~ Smoking is not permitted to ~~smoke~~ in the Senate Chamber or galleries, the Retiring Room, hearing rooms, offices, or other spaces under the control of the Senate. ~~There shall be no smoking in the visitors section of the galleries.~~

16.4 [72] During floor proceedings, picture taking by persons other than accredited news reporters or legislative photographers, picture taking with floodlights or flash units, ~~hand clapping~~, and visual or audible disruptions are prohibited. At all times, demonstrations, and food ~~and~~ or beverages, are prohibited in the Senate Chamber and in the galleries.

16.5 [71] ~~The Committee on Rules and Administration may, through committee action or by delegating authority to the Secretary, allow Television filming recording or broadcasting on the Senate floor on certain occasions~~ is under the direction of the Secretary.

17. ORDER OF BUSINESS [7]

17.1 The order of business is as follows:

1. Petitions, letters, remonstrances.

2. Executive and official communications.
3. Messages from the House of Representatives.
4. First reading of House bills.
5. Reports of committees.
 - (a) From standing committees.
 - (b) From select committees.
6. Second reading of Senate bills.
7. Second reading of House bills.
8. Motions and Resolutions.
9. Calendar.
10. Consent Calendar.
11. General Orders.
12. Introduction and first reading of Senate bills.
13. Announcements of Senate interest.

17.2 Under the order of business of Motions and Resolutions, the Senate may by a majority vote of the whole Senate temporarily revert or proceed to any other order of business.

18. PETITIONS AND OTHER COMMUNICATIONS [52]

18.1 In presenting a petition, memorial, remonstrance or other communication addressed to the Senate, a member shall only state the general purpose of it.

18.2 Every petition, memorial, remonstrance, resolution, bill and report of committee, shall must have an appropriate title, and the name of the member presenting it written on it.

18.3 Every written communication distributed to members in the Senate Chamber must have the name of the member or officer distributing it displayed on it.

19. MESSAGES FROM THE HOUSE [7]

A message from the House of Representatives that a Senate bill has been amended, and the amendment, must be printed and placed on the members' desks before a member may move to concur in the House amendment. If the amendment has been printed in the House Journal for a preceding day and is available to the members, the Journal copy may serve as the printed copy.

20. OBJECTIONS TO COMMITTEE REFERRALS [35]

A member may question the proper reference of a bill at the time the bill is reported by a standing committee to which it was previously referred. When a member questions the reference of a bill, the bill must be referred without debate to the Committee on Rules and Administration to report the proper reference. Upon adoption of the report of the Committee on Rules and Administration, the bill must be referred accordingly.

21. GENERAL ORDERS [11, 40]

21.1 [11] The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate, ~~which that~~ are referred to the Committee of the Whole ~~and which are not made the order of the day, for a particular day,~~ and number them. The lists are called the "General Orders".

21.2 [11] ~~They shall~~ Items on General Orders must be taken up in the order in which they are numbered unless otherwise ordered by a majority of the committee.

21.3 [11] General Orders, together with all bills required to be included on it ~~required to be printed under the rules or orders of the Senate, shall must be electronically available or printed and placed upon the members' desks at least one calendar day before being considered in Committee of the Whole.~~

21.4 [40] With the concurrence of the ~~first~~ chief author of the bill, a majority of the whole Senate may at any time take a bill from the table and place it on General Orders.

22. COMMITTEE OF THE WHOLE [42, 43, 44]

22.1 [42] All bills, memorials, orders, resolutions and votes requiring the approval of the Governor shall must, after a second reading, be considered in Committee of the Whole before they are finally acted upon by the Senate, ~~except as provided for in Rules 23 [9] and 24 [10]~~ unless considered on the Consent Calendar or as a Special Order.

22.2 [43] The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole.

22.3 [43] The rules observed in the Senate govern, as far as practicable, the proceedings of the Committee of the Whole, and the Chair of the Committee of the Whole has the powers of the President, as appropriate. However, a member may speak more than twice on the same subject and a call for the previous question ~~cannot~~ may not be made.

22.4 [43] ~~The yeas and nays shall be taken only upon the request of Three members, and when taken shall may request a roll call vote. The vote must~~ be recorded in the Journal along with the amendment.

22.5 [44] The recommendations of the Committee of the Whole shall must be reported to the Senate. ~~If a recommendation contains a proposed amendment of a bill, that amendment shall be noted on a separate piece of paper but when reported need not be read by the President unless required by one or more of the members. The question is on the adoption or rejection of the report, and no other question shall may be admitted. The question may be divided to permit separate Senate action on the report as to any bill.~~

22.6 [44] On adoption of the report of the Committee of the Whole, all bills recommended to pass shall must be placed ~~upon~~ on the Calendar.

23. CALENDAR [8]

23.1 The Secretary shall make a Calendar of all bills, resolutions and other matters ~~coming before the Senate~~ approved by the Committee of the Whole for final action. The Secretary shall place them on the Calendar in the order in which they have been acted upon in Committee of the Whole.

23.2 The Calendar shall ~~must~~ be electronically available or printed and ~~placed upon the members' desks at least one calendar day before the matters on it are considered.~~

24. CONSENT CALENDAR [9]

24.1 If a committee determines that a bill it recommends to pass is ~~of a routine nature or otherwise of a nature which not likely will not to be opposed, it may in its report the committee may~~ recommend that the bill be placed on the Consent Calendar. If the committee report is adopted, the bill shall must be electronically available or printed and placed on the Consent Calendar after its second reading. On the question of adoption of the report, the question of accepting the recommendation that the bill be placed on the Consent Calendar may be divided from the question of adopting the report in other respects.

24.2 A majority of the whole Senate, or the Chair of the Committee on Rules and Administration, may order a bill on General Orders ~~to be placed on the Consent Calendar.~~

24.3 ~~The Consent Calendar consists of bills placed on it. Senate bills shall be positioned ahead of House bills.~~ The Consent Calendar shall must be electronically available or printed and placed on the members' desks at least one calendar day before the matters on it are considered.

24.4 If a member objects to consideration of a bill on the Consent Calendar at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill ~~shall be~~ is referred to the Committee of the Whole, and ~~shall be placed the Secretary shall place it~~ at the bottom of General Orders subject to Rule 21.2 [11], except that it need not lie over one calendar day before consideration in the Committee of the Whole.

25. SPECIAL ORDERS [10]

25.1 The Chair of the Committee on Rules and Administration, or the Chair's designee, may designate a special order for a bill that has been given its second reading.

25.2 A special order ~~shall may~~ provide that the bill be considered immediately, at a time certain, or after specific other business is completed.

25.3 During consideration of a special order, Rule 35.5 [20] is suspended.

25.4 As nearly as applicable, debate on the bill and all proceedings including amendments and substitutions ~~shall must be that of~~ conducted as in the Committee of the Whole.

25.5 On any question, a member may ~~call for the yeas and nays~~ request a roll call vote, which ~~shall must~~ be entered in the Journal.

25.6 Unless it is otherwise disposed of, after consideration a bill on Special Orders ~~of the Senate shall must~~ immediately proceed to its third reading and final passage.

25.7 A bill may not be made a special order if the chief author has declined on three previous occasions to take the bill up after it was designated a special order.

26. MOTIONS [12, 13, 14]

26.1 [13] A motion or amendment ~~shall must~~ be written if ~~the President or~~ a member requests. ~~In that case~~ It must identify the member or committee offering it.

26.2 [12] When a motion is made, it ~~shall must~~ be stated by the President. If it is in writing, it ~~shall must~~ be handed to the Secretary and read to the members.

26.3 [14] After a motion is stated by the President, or read by the Secretary, it is in possession of the Senate, but may be withdrawn by the author at any time before decision or amendment.

27. PRECEDENCE OF MOTIONS [15]

27.1 When a question is under debate no motion ~~shall may~~ be ~~received~~ made, except:

1. To adjourn.
2. To recess.
3. To reconsider.
4. To lay on the table.
5. For the previous question.
6. To refer.

7. To postpone to a day certain.
8. To amend.
9. To postpone indefinitely.

27.2 Motions numbered 1, 2, 4 and 5 above ~~shall be decided without debate~~ are not debatable.

27.3 These ~~several~~ motions have precedence in the foregoing order; but when a motion for the previous question has been ~~seconded~~ made, or the main question ordered, a motion to lay on the table is not in order.

27.4 A motion to postpone to a day certain, to refer, to postpone indefinitely, or to amend, having been decided, ~~shall~~ may not again be put on the same day, nor at the same stage of the bill or proposition.

28. MOTION TO ADJOURN [16]

A motion to adjourn or a motion to adjourn to a time certain is always in order, ~~and also a motion to adjourn to a time certain~~. The latter motion is debatable solely as to the time. When either motion is rejected, ~~it shall~~ may not be renewed until further business has been transacted.

29. MOTION TO RECONSIDER [31]

29.1 When a motion or question has been ~~once put and carried in the affirmative or negative decided~~, ~~it is in order~~ for a member who voted with the prevailing side to may move for reconsideration on the same day on which the vote was taken or within the next two calendar days or, if later, the first day the Senate meets after the vote was taken. The motion takes precedence over all other questions except a motion to adjourn or recess. When a motion to adjourn is adopted ~~prior to~~ before the disposition of the motion for reconsideration, a motion for reconsideration ~~shall~~ must lie over until the next succeeding day the Senate meets except as provided in this rule.

29.2 When notice of ~~intention~~ intent to move reconsideration of the final action of the Senate on a question is given by a member, the Secretary shall retain the subject of the notice until after the expiration of the time during which the motion can be made.

29.3 ~~During the six calendar days before the first Tuesday following the third Saturday in May of any year~~ A notice of ~~intention~~ intent to move for reconsideration is not in order after the Tuesday before the third Saturday in May, but a motion to reconsider may be made ~~and have priority over all other business except a motion to adjourn~~.

29.4 A motion for reconsideration having been once voted on ~~shall~~ may not be ~~put~~ made again nor reconsidered.

30. MOTION FOR THE PREVIOUS QUESTION [29]

30.1 Unless ~~the~~ a motion for the previous question is made specifically applicable to a subsidiary motion, ~~the previous question shall~~ it must be in this form: "Shall the main question now be put?" ~~It shall only be admitted when demanded~~ If the motion for the previous question is supported by a majority of the members present, ~~and its effect is to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, then upon all pending amendments in their order and then upon the main question.~~

30.2 On a motion for the previous question, a call of the Senate is in order before the President submits the question to the Senate.

30.3 On a motion for the previous question there is no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending the motion, ~~shall~~ must be decided, whether on appeal or otherwise, without debate.

31. MOTION TO REFER [46]

A bill or resolution may be referred to committee at any time ~~prior to~~ before its passage, ~~and~~. If an amendment is reported on the referral to any committee other than the Committee of the Whole, it ~~shall~~ must again be read the second time, considered in Committee of the Whole, read the third time and placed on final passage. If the referral is to the Committee of the Whole it ~~shall~~ must be placed at the head of General Orders, except when the referral is from the Consent Calendar under Rule 24.4 [9].

32. MOTION TO AMEND BILL OR RESOLUTION [38, 39, 45]

32.1 A motion to amend must be written if a member requests. It must identify the member offering it.

32.2 [38] In drawing an amendment to a bill or resolution, reference ~~shall~~ must be made ~~therein~~, first to the number of the bill, then to the page, and then to the line or lines ~~from which matter~~ where language is to be stricken or ~~in which new matter is to be~~ inserted.

32.3 [45] In filling blanks, the largest sum, the longest time and the greatest distance ~~shall~~ must be first taken.

32.4 [39] The title to a bill may be amended by the Secretary at any time the bill is amended by the Senate.

32.5 [45] ~~No~~ An amendment is not in order to a bill on the Calendar or after third reading without the unanimous consent of the Senate unless it fills a blank, amends the title as ~~provided by Rule 32.6 [39]~~, is proposed to the chief author of the bill by the Revisor of Statutes to correct technical defects found by the Revisor while engrossing earlier amendments to the bill, or is proposed to a bill on the Consent Calendar before the bill is given its third reading.

33. MOTION TO SUSPEND RULES [17]

33.1 A rule ~~shall not~~ may be suspended except by a vote of at least two-thirds ~~vote~~ of the whole Senate.

33.2 A motion to suspend the rules for the purpose of advancing a bill ~~shall~~ may be made only under the order of business, "Motions and Resolutions".

34. GERMANENESS [37]

34.1 An amendment proposed to the Senate or to the Committee of the Whole that is not germane is out of order.

34.2 A non-germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose, than that of the original bill to which it is proposed.

34.3 An amendment to insert a constitutional amendment is not germane to a bill that does not already include a constitutional amendment.

34.4 Whether an amendment is germane is ~~a question~~ to be decided by the President, who may put the question to the body if the President chooses.

34.5 A motion to remove an amendment placed on a House bill under Rule 44.1 [49] is out of order if removal of the amendment would make a portion of the House bill not germane to the Senate companion for which it was substituted.

35. DEBATE [6, 18, 19, 20]

35.1 [18] When a member is about to speak ~~in debate, or deliver a matter~~ to the Senate, the member shall rise and respectfully address "Mr. (or Madam) President." The member shall may not proceed to speak further until recognized by the President.

35.2 [18] The member shall speak only to the question under debate and avoid personality.

35.3 [18] The member may inform the Senate of the Governor's position on a bill and on its status in the House of Representatives.

35.4 [18] In discussing a resolution, each member is limited to ten minutes.

35.5 [20] ~~No A~~ member shall may not speak more than twice on the same question on the same day without leave permission of the Senate.

35.6 [6] When a member is speaking, no one shall ~~pass~~ may stand between the member speaking and the President.

35.7 [6] ~~No A~~ member may not speak without using a microphone.

35.8 All remarks during debate shall be addressed to the ~~Presiding Officer~~ President; however, a member may turn toward other members when speaking, rather than facing the ~~Presiding Officer~~ President.

35.9 [6] When the President puts a question, or addresses the Senate, no one shall may walk out of or cross the Chamber.

35.10 [19] When a member is called to order, the member shall be silent until it is determined whether or not the member is in order. If a member is called to order for words spoken in debate, the words excepted to shall must be taken down in writing by the Secretary immediately.

36. ABSENCE OF MEMBERS [5]

~~No A~~ member or officer of the Senate shall may not be absent from a session of the Senate unless excused by the Senate. The name of a member excused must be printed in the Journal.

37. CALL OF THE SENATE [23]

37.1 A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn.

37.2 Upon the imposition of a call, a member may request a record of those present shall be obtained upon the request of any member, and the Sergeant at Arms ~~instructed to~~ shall bring in the absent members.

37.3 When the Senate has been placed under call, a member may demand that the doors be closed and that no member be permitted to leave the Chamber until the matter or question, if any, under consideration at the time of the call is disposed of, or until the call is lifted by a majority vote of all the members of the whole Senate, or until the Senate adjourns.

37.4 A majority ~~vote of all the members of the whole~~ Senate may excuse ~~from attendance~~ members not answering the call.

37.5 A call ~~cannot~~ may not be made imposed after voting has commenced.

38. DIVISION OF QUESTION [30]

38.1 A member may call for a division of the question when the ~~question will admit of it~~ division is possible. A motion to strike out and insert is indivisible.

38.2 ~~The defeat of a motion to strike out being lost~~ does not preclude an amendment nor a motion to strike out and insert.

39. VOTING [6, 24, 25, 26, 27]

39.1 [24] ~~Questions shall be~~ The President shall distinctly put state the question before taking the vote. The President shall declare all votes but the result of the vote. If a member rises to ~~question~~ questions the result of a vote, the President shall order a division.

39.2 [25] ~~Upon a division and count of the Senate on a question, only members present~~ A member may vote on a question or be counted on a division only at the member's own seat in the Senate Chamber shall be counted.

~~[25] No member may vote on a question except at the member's own seat in the Chamber.~~

39.3 [26] At any time ~~prior to~~ before the start of voting on a question, a member may call for ~~the yeas and nays~~ request a roll call vote, which shall ~~must~~ be entered in the Journal.

39.4 [27] Unless otherwise ordered, a roll call vote, except upon elections, may be taken by means of the electrical voting system ~~which is~~ under the control of the President.

39.5 [26] A roll call ~~for the yeas and nays cannot~~ vote may not be interrupted except to close the roll as provided in Rule 40.3 [22].

39.6 [6] ~~No~~ A member, or other person, shall ~~may not~~ proceed to or remain by the Secretary's desk while ~~the yeas and nays are~~ a roll call or division is being called or counted taken.

40. MEMBERS TO VOTE UNLESS EXCUSED [22]

40.1 Every member who is in the Senate Chamber during a roll call shall vote upon the request of another member unless, ~~for special reasons~~, excused by the Senate.

40.2 A motion by a member to be excused from voting shall ~~must~~ be made before the question is put. A member wishing to be excused from voting may make a brief statement of the reason for making the request ~~and~~. The question on the motion shall to excuse must be taken without further debate.

40.3 When members have had an opportunity to vote and fail to do so, a majority of ~~all the members of the whole~~ the whole Senate may, by motion, direct the President to close the roll.

40.4 The vote on a motion to close the roll shall must be taken without debate ~~and~~. No member is required to vote on the motion.

41. FINAL PASSAGE [47]

The final question ~~upon~~ on a bill or other matter requiring action by both Houses after its first and second reading, and after the consideration in Committee of the Whole, is ~~upon~~ on its final passage.

42. TRANSMITTING BILLS TO THE HOUSE [48]

42.1 Except when a motion to reconsider has been made as provided in Rule 29 [31], immediately after the passage of a bill or other matter in which the concurrence of the House of Representatives is requested, the Secretary shall transmit it to the House.

42.2 On the concurrence of a bill or other matter of the House by the Senate, or on the concurrence or disagreement in a vote of the House, the Secretary shall notify the House.

43. ENGROSSING AND ENROLLING OF BILLS [50]

43.1 The Secretary and the Engrossing Secretary shall ensure that every bill, memorial, ~~order or resolution~~ originating in the Senate ~~shall be~~ is carefully engrossed before ~~being it is~~ transmitted to the House of Representatives for concurrence.

All engrossing and enrolling of bills shall be done at the direction and under authority of the Senate.

~~43.2 All bills shall be carefully enrolled under the supervision of the Committee on Rules and Administration, which may report to the Senate at any time on the enrollment of bills. The Secretary shall ensure that every bill, memorial, or resolution originating in the Senate is carefully enrolled by the Revisor of Statutes before it is presented to the Governor or filed with the Secretary of State.~~

44. COMPARISON AND SUBSTITUTION OF BILLS [49]

~~44.1 Unless there is a motion by the Chair of the Committee on Rules and Administration or objection under Rule 4 [35],~~ A House bill, after its first reading, shall must be referred as follows, unless there is a motion by the Chair of the Committee on Rules and Administration or a designee of the Chair or objection under Rule 4.9 [35]:

(a) If there is no Senate companion bill, the House bill shall must be referred to the appropriate standing committee;

(b) If there is a Senate companion bill, the House bill shall must be referred to the standing committee possessing the Senate companion;

(c) If the Senate companion bill has been reported to the Senate, the House bill shall must be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill. If the bills are identical, the report shall must recommend that the House bill be given its second reading and substituted for the Senate companion bill and the Senate companion bill be indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee shall ~~so state and~~ must recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended shall must be given its second reading and substituted for the Senate companion bill and the Senate companion bill shall must be indefinitely postponed.

44.2 The Secretary shall prepare and submit reports under this rule on behalf of the Committee on Rules and Administration ~~pursuant to this rule shall be prepared and submitted on behalf of the committee by the Secretary.~~

44.3 A House bill placed on the Calendar by substitution shall must not be given its third reading on the same day as the substitution.

45. CONFERENCE COMMITTEES [56]

The Subcommittee on Committees shall appoint all conference committees of the Senate and report the appointments to the Senate. In the appointment of members of conference committees between the two houses, the Subcommittee on Committees shall appoint those who are in accord with the position of the Senate. Whenever practical, the subcommittee shall give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.

46. DISPOSITION OF BILLS ON ADJOURNMENT [51]

Adjournment of the regular session in an odd-numbered year to a date certain in the following year ~~shall be~~ is equivalent to daily adjournment, except that a bill on the Calendar, Consent Calendar, or General Orders ~~shall must~~ be returned to the standing committee other than the Committee on Rules and Administration from which it was last reported to the Senate, unless otherwise provided for by motion ~~prior to~~ before adjournment. Bills returned to committee ~~pursuant to~~ under this rule ~~shall must~~, upon request of the chief author, be given priority for consideration by the committee in the even-numbered year ahead of all other bills in the order in which they appeared on the Calendar, Consent Calendar, or General Orders.

47. PRINTING AND DISTRIBUTION OF BILLS [41]

47.1 Unless otherwise ordered by the Senate, all Senate bills ~~which that~~ have been reported upon favorably or without recommendation by a committee ~~shall must~~ be electronically available or printed prior to before consideration by the Senate or the Committee of the Whole.

47.2 A House bill amended by the Senate must be unofficially engrossed and electronically available or printed when placed on General Orders.

47.3 A bill may be electronically available or printed by order of the Secretary when amended after second reading.

47.4 A bill ~~shall must~~ be electronically available or printed when ordered by ~~a majority vote of~~ the Senate.

47.5 Action by the Senate on a bill ~~which that~~ has not been printed is a waiver of the printing requirement.

47.6 To the extent practical, the Secretary shall provide a copy of any bill to the public and may charge a reasonable fee.

48. JOURNAL AND INDEX [65, 66]

48.1 [65] The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform other duties assigned to the Secretary.

48.2 [65] The Secretary shall not permit Journal records, accounts or papers to be taken ~~from the table or~~ out of the Secretary's custody, other than in the regular mode of business. If a ~~paper~~ document in the Secretary's charge is missing, the Secretary shall report the fact to the President, so that inquiry may be made.

48.3 [65] The Secretary shall ~~superintend~~ supervise the recording of proceedings in the Journal, the engrossing, transcribing and copying of the bills and resolutions, ~~supervise the assistants, clerks and stenographers under the direction of the Committee on Rules and Administration,~~ and

generally perform the duties of Secretary, under direction of the President Committee on Rules and Administration.

48.4 [66] The Journal of each day's proceedings is open for correction at any time during the session of the next day the Senate meets. Unless corrected on that day, the Journal stands approved.

48.5 [65] The Secretary shall keep a record of all Senate and House bills showing the state, ~~condition, and progress~~ status of each bill pending, until its final passage.

49. TAPE ELECTRONIC RECORDINGS [65]

49.1 The Secretary shall cause to be recorded on ~~magnetic-tape~~ electronic media the proceedings of the Senate, the Committee of the Whole, and each standing committee, subcommittee, and division. Each ~~tape shall~~ electronic record must be clearly labeled to show the name of the body whose proceedings are recorded and the dates the proceedings occurred. Each ~~tape~~ electronic record of the proceedings of the Senate and the Committee of the Whole ~~shall must~~ be accompanied by a log showing the number of each bill considered and the places on the ~~tape record~~ record where consideration of the bill occurred.

49.2 Within two working days after each day ~~the Senate is in session~~, the Secretary shall make a copy of the ~~tape~~ electronic record and corresponding log of proceedings of the Senate and the Committee of the Whole ~~and deliver the copies available~~ to the Legislative Reference Library.

49.3 Within one week after each meeting of a standing committee, subcommittee, or division, the Secretary shall ~~deliver a tape recording~~ make the electronic record of the meeting available to the Legislative Reference Library, together with an agenda showing bills considered and any action taken on them.

49.4 Upon completion and approval of the minutes of the meeting, the Secretary shall promptly deliver a copy of the minutes ~~shall be promptly delivered~~ to the Legislative Reference Library.

49.5 The Secretary shall keep a record of each session of the Senate and the Committee of the Whole, each meeting of a Senate standing committee, subcommittee, or division and the date on which ~~a tape recording~~ the electronic record of the session or meeting was ~~transmitted made~~ available to the Legislative Reference Library. The Library shall keep a similar record of all ~~tapes received~~ electronic records to which it has been given access.

49.6 The Library shall provide committee staff with reasonable access to Senate ~~tapes~~ electronic records and shall provide the public with convenient facilities to listen to ~~the tapes~~ them.

49.7 ~~The Secretary shall make copies of Senate tapes shall be~~ electronic records available to the public ~~from the Secretary~~, for a fee determined by the Secretary to be adequate to cover the cost of preparing the copies. A copy ~~shall must~~ be provided free to a member of the Senate upon request for use in legislative business.

49.8 The Secretary shall keep the original ~~tape~~ electronic record and log of each session of the Senate and the Committee of the Whole ~~shall be kept by the Secretary~~ until the end of the period for which the members of the existing House of Representatives have been elected, at which time the ~~tape~~ electronic record may be preserved or disposed of as the Secretary sees fit. ~~Tapes The~~ Legislative Reference Library shall keep electronic records, logs, and minutes forwarded to the ~~Legislative Reference Library shall be kept by the Library~~ it until two years after the end of the period for which the members of the existing Senate have been elected, at which time they may be preserved or disposed of as the Library sees fit.

49.9 ~~It is the intention~~ The Senate intends that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.

50. OTHER DUTIES OF SECRETARY [28, 67, 68]

50.1 [28] ~~No~~ The Secretary shall not issue a certificate authorizing the payment of money ~~appropriated by the Legislature shall be issued by the Secretary~~ by virtue of a motion or resolution, unless the motion or resolution is voted for by a majority of ~~all members of the whole~~ Senate ~~upon a call of the yeas and nays on a roll call vote~~.

50.2 [67] The Secretary ~~of the Senate and the Engrossing Secretary, in all proper cases,~~ shall correct all mistakes in numbering the sections and reference to them, whether the errors occur in the original bill or are caused by amendments to it.

50.3 [68] The Secretary is the agent of the Senate for the purchase of supplies and services. The Secretary's records on purchase of supplies and services are open for inspection ~~during normal business hours~~.

50.4 [68] The Secretary shall adopt administrative controls to ensure that each member is accountable for the member's own long distance telephone calls and that Senate telephones are used only for Senate business.

50.5 [68] By the 15th day of April, July, October, and January of each year, the Secretary ~~of the Senate~~ shall submit a detailed report of Senate expenditures during the previous quarter to the Committee on Rules and Administration.

50.6 The Secretary's public records may be inspected during normal business hours.

51. SERGEANT AT ARMS [69]

The Sergeant at Arms shall execute all orders of the President and perform all assigned duties connected with the police and good order of the Senate Chamber; exercise supervision over the entry and exit of all persons to and from the Chamber; see that messages are promptly delivered; see that the hall is properly ventilated and the temperature is properly regulated, and that it the Chamber is open for the use of members of the Senate at the time fixed least one-half hour before the start of a session; and perform all other services pertaining to the office of Sergeant.

52. BUDGET AND EXPENDITURES [63]

52.1 The Committee on Rules and Administration shall adopt an operating budget for the Senate.

52.2 All propositions for the appointment and payment of employees of the Senate or for expenditures ~~on account of the Legislature, other than those provided by law, shall~~ must be referred without debate to the Committee on Rules and Administration ~~without debate~~.

53. EMPLOYEES [62, 64, 65]

53.1 [62] The Committee on Rules and Administration shall establish positions, set compensation, appoint employees, and authorize expense reimbursement for employees as it deems proper necessary to carry out the work of the Senate. At the request of any committee member, an action of the committee shall must be submitted as a Senate resolution for adoption by the Senate.

53.2 [62] The Secretary shall keep a roster of all employees of the Senate, including positions and compensation, ~~shall be kept by the Secretary and shall be~~ which must be open for inspection by the public.

53.3 [62] The Secretary shall post, in a public place in the Capitol, a notice of every vacant

position on the permanent staff of the Senate. The notice must remain posted for at least two weeks, and no vacancy may be filled until the period of posting has elapsed.

53.4 [64] Except as otherwise provided in these rules, the Committee on Rules and Administration has full and exclusive authority over, and charge of all employees, ~~officers and clerks~~ of the Senate both ~~elective elected and appointive appointed~~. The committee has the sole and exclusive power and authority to assign them to duties other than for which they were elected or appointed as the committee may ~~from time to time~~ provide. ~~The committee has power to appoint employees, officers or clerks as it deems proper to exercise the power granted to it by this rule.~~

53.5 [64] The committee may make employment rules and regulations for the government of the employees, officers and clerks as they see fit. In case of violation of an order of the committee by an employee, ~~officer or clerk~~, or in case of a violation of a rule or regulation made by the committee, or in case of misconduct or omission by an employee, ~~officer or clerk~~, the Committee on Rules and Administration may hear complaints and discharge the employee, ~~officer or clerk~~ or impose discipline, a fine, or other punishment ~~by way of fine or otherwise~~ upon the employee, ~~officer or clerk as the committee deems just and proper.~~

53.6 [65] The Secretary shall supervise the assistants, ~~clerks, and stenographers~~ employees under the direction of the Committee on Rules and Administration.

54. SUBCOMMITTEE ON ETHICAL CONDUCT [75]

54.1 [75] The Subcommittee on Committees shall appoint a Subcommittee on Ethical Conduct of the Committee on Rules and Administration consisting of four members, two from the majority group and two from the minority group.

54.2 [75] The subcommittee shall serve in an advisory capacity to a member or employee upon written request and shall issue recommendations to the member or employee. A member may request the subcommittee to provide its advice on a potential conflict of interest to the member in private. If so requested, the subcommittee shall conduct its proceedings on the advisory opinion in private. The request, proceedings on the request, and any advice given by the subcommittee in response to the request must remain private. The member may not use an advisory opinion from the subcommittee as a defense to a complaint under this rule unless the opinion has been adopted by the subcommittee at a public meeting.

54.3 [75] The subcommittee shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session regarding improper conduct by a member or employee of the Senate. The subcommittee has the powers of a standing committee to issue subpoenas ~~pursuant to under~~ Minnesota Statutes, section 3.153.

54.4 [75] Within 30 days after receiving a complaint, the subcommittee must meet and either make a finding of no probable cause, vote to defer action until a certain time, or proceed with its investigation.

54.5 [75] In order to determine whether there is probable cause to believe that improper conduct has occurred, the subcommittee may, by a vote of three of its members, conduct a preliminary inquiry in executive session to which the open meeting requirements of Rule 11 Rules 11.1 to 11.3 [58] do not apply. The executive session may be ordered by a vote of three of its members whenever the subcommittee determines that matters relating to probable cause are likely to be discussed. The executive session must be limited to matters relating to probable cause. Upon a finding of probable cause, further proceedings on the complaint are open to the public.

54.6 [75] The subcommittee may appoint special counsel to provide expert advice on how to conduct its proceedings. The subcommittee may appoint a suitable person to conduct the investigation and report findings of fact and recommendations for action to the subcommittee.

54.7 [75] If, after investigation, the subcommittee finds the complaint substantiated by the

evidence, it shall recommend to the Committee on Rules and Administration appropriate disciplinary action.

54.8 [75] To minimize disruption of its public proceedings, the subcommittee may require that television coverage be pooled or be provided by Senate media services.

54.9 [75] If criminal proceedings relating to the same conduct have begun, the subcommittee may defer its own proceedings until the criminal proceedings have been completed.

54.10 The Senate intends that proceedings of the Subcommittee on Ethical Conduct not be admissible in any criminal proceeding.

55. STANDARDS OF ETHICAL CONDUCT [75]

55.1 [75] Members shall adhere to the highest standard of ethical conduct as embodied in the Minnesota Constitution, state law, and these rules.

55.2 [75] A member shall not publish or distribute written material if the member knows or has reason to know that the material includes any statement that is false or clearly misleading, concerning a public policy issue or concerning the member's or another member's voting record or position on a public policy issue.

55.3 [75] Improper conduct includes conduct that ~~violated~~ violates a rule or administrative policy of the Senate, that ~~violated~~ violates accepted norms of Senate behavior, that ~~betrayed~~ betrays the public trust, or that ~~tended~~ tends to bring the Senate into dishonor or disrepute.

56. CONFLICTS OF INTEREST

A member who in the discharge of senatorial duties would be required to take an action or make a decision that would substantially affect the member's financial interests or those of an associated business, unless the effect on the member is no greater than on others in the member's business classification, profession, or occupation, shall disclose the potential conflict of interest by following the procedure set forth in Minnesota Statutes, section 10A.07.

57. LOBBYISTS [76]

57.1 [76] A lobbyist shall not appear before a Senate committee pursuant to the lobbyist's employment unless the lobbyist is in compliance with the law requiring lobbyist registration, Minnesota Statutes, sections 10A.03 to 10A.06. A lobbyist, when appearing before a committee, shall disclose to the committee ~~those in on whose interest behalf~~ the lobbyist speaks and the purpose of the lobbyist's appearance. A lobbyist shall not knowingly furnish false or misleading information or make a false or misleading statement that is relevant and material to a matter before the Senate or any of its committees when the lobbyist knows or should know it will influence the judgment or action of the Senate or any of its committees ~~thereon~~, subcommittees, or divisions.

57.2 [76] The Subcommittee on Ethical Conduct shall investigate a complaint by a member of the Senate in writing under oath received during a legislative session ~~regarding improper conduct by that a lobbyist has violated Rule 57.1. Improper conduct includes conduct that violated a rule or administrative policy of the Senate, that violated accepted norms of Senate behavior, that betrayed the public trust, or that tended to bring the Senate into dishonor or disrepute.~~ The investigatory procedures of Rule 54 [75] apply, except as provided in this rule. The complaint and proceedings on the complaint are private until the subcommittee has found probable cause to believe that a violation of Rule 57.1 has occurred, unless they are made public by the lobbyist whose conduct is the subject of the complaint or by the vote of at least three members of the subcommittee.

58. AMENDMENTS TO RULES [17]

Every proposition to amend a rule of the Senate must be referred to the Committee on Rules and Administration. The proposition shall may not be acted upon until the report of the committee is received by the Senate.

59. BUDGET RESOLUTION

59.1 The Committees on Taxes and on Finance must hold hearings as necessary to determine state revenues and appropriations for the fiscal biennium.

59.2 Within 30 days after the last state general fund revenue and expenditure forecast for the next fiscal biennium becomes available during the regular session in the odd-numbered year, and after receiving from the Committee on Taxes a resolution containing its recommendation on the maximum limit on revenues and an amount to be set aside as a budget reserve and a cash flow account, the Committee on Finance must adopt and report to the Senate a budget resolution, in the form of a Senate resolution. The budget resolution must set: (1) the maximum limit on revenues and net appropriations for the next fiscal biennium for the general fund; and (2) an amount or amounts to be set aside as a budget reserve and a cash flow account. The budget resolution must not specify, limit, or prescribe revenues or appropriations by any category other than those specified in clauses (1) and (2). If the Committee on Finance recommends a maximum limit on revenues or an amount for the budget reserve or cash flow account that differs from the amount recommended by the Committee on Taxes, the recommendation of the Committee on Finance must be referred to the Committee on Rules and Administration before it may be considered by the Senate.

59.3 After the Senate adopts the budget resolution, the limits in the resolution are effective during the regular session in the year in which the resolution is adopted, unless the Senate, acting upon a subsequent report of the Committee on Taxes as to revenues or of the Committee on Finance as to appropriations, adopts a different limit or limits for the same fiscal biennium. During the regular session in the even-numbered year, before the Committee on Finance reports a bill containing net appropriations in excess of the general fund appropriations in the current fiscal biennium estimated by the most recent state budget forecast, the Committee must adopt a budget resolution that accounts for the net appropriations. After the Committee adopts the budget resolution, it is effective during the regular session that year, unless the Committee adopts a different or amended resolution.

59.4 Within 14 days after the Senate or the Committee on Finance adopts a budget resolution, the Committee must adopt, by resolution, limits for each major appropriation bill identified in this Rule. After the Committee adopts the resolution, the limits in the resolution are effective during the regular session in the year in which the resolution is adopted, unless the Committee subsequently adopts different or amended limits for the same fiscal biennium. If the Committee on Finance or the Senate combines two or more major appropriation bills into one bill, the limits in the Committee resolution pertaining to those bills are also combined, and the sum of the combined limits applies to the combined bill.

59.5 The major tax and appropriation bills are:

- (1) the omnibus tax bill;
- (2) the E-12 education appropriations bill;
- (3) the higher education appropriation bill;
- (4) the environment and agriculture appropriations bill;
- (5) the health, human services and corrections appropriations bill;
- (6) the state government, economic development and the judiciary appropriations bill;

(7) the transportation and public safety appropriations bill; and

(8) the omnibus capital investment bill.

59.6 After the adoption of a resolution by the Senate or by the Committee on Finance, the Committee on Finance and the Committee on Taxes must reconcile each bill recommended by the committee with the resolution or resolutions. When reporting a bill, the committee must certify to the Senate that the committee has reconciled the fiscal effect of the bill with the resolution or resolutions and that the bill, as reported by the committee, together with other bills reported and expected to be reported by the committee, does not and will not exceed the limits specified in either resolution.

59.7 After the adoption of a resolution by the Senate or the Committee on Finance, an amendment to a bill is out of order if it would cause any of the limits specified in either resolution to be exceeded. Whether an amendment is out of order under this Rule is a question to be decided in the Senate by the President and in committee by the committee chair. In making the determination, the presiding officer may consider:

(1) the limits in a resolution;

(2) the effect of existing laws on revenues and appropriations;

(3) the effect of amendments previously adopted to the bill under consideration;

(4) the effect of bills previously recommended by a committee or bills previously passed in the legislative session by the Senate or by the Legislature;

(5) whether appropriation increases or revenue decreases that would result from the amendment are offset by decreases in other appropriations or increases in other revenue specified by the amendment; and

(6) other information reasonably related to appropriation and revenue amounts.

Senator Hottinger moved to amend Senate Resolution No. 71 as follows:

Page 2, lines 13 to 15, delete the new language and strike the old language

Page 2, strike line 16

The motion prevailed. So the amendment was adopted.

Senator Bachmann moved to amend Senate Resolution No. 71 as follows:

Page 9, after line 7, insert:

"11.9 The chair of a committee, subcommittee, or division must allow both proponents and opponents an opportunity to testify on any issue on which the body will vote."

Renumber the paragraphs of Rule 11 in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Knutson	Neuvill	Robling
Belanger	Johnson, Debbie	Larson	Oliver	Scheevel
Day	Kierlin	Lesewski	Olson	Schwab
Dille	Kiscaden	Lessard	Ourada	Stevens
Fischbach	Kleis	Limmer	Reiter	Terwilliger

Those who voted in the negative were:

Anderson	Berglin	Betzold	Chaudhary	Cohen
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Foley	Kelley, S.P.	Orfield	Sabo	Vickerman
Fowler	Kelly, R.C.	Pappas	Sams	Wiener
Higgins	Kinkel	Pogemiller	Samuelson	Wiger
Hottinger	Lourey	Price	Scheid	
Johnson, Dave	Marty	Ranum	Solon	
Johnson, Dean	Metzen	Rest	Stumpf	
Johnson, Doug	Moe, R.D.	Ring	Tomassoni	

The motion did not prevail. So the amendment was not adopted.

Senator Scheevel moved to amend Senate Resolution No. 71 as follows:

Page 25, lines 14 and 15, delete the new language

Page 25, line 16, delete the new language and strike the old language

Page 25, strike lines 17 and 18

Page 25, line 19, strike "Senate" and insert "The majority leader and minority leader shall appoint members of their respective groups to each conference committee in substantially the same proportion as the number of members in their group is to the number of members in the Senate"

The motion did not prevail. So the amendment was not adopted.

Senator Limmer moved to amend Senate Resolution No. 71 as follows:

Page 11, line 4, before the stricken "When" insert "14.6"

Page 11, lines 4 and 5, reinstate the stricken language

Renumber the paragraphs of Rule 14 in sequence

The motion did not prevail. So the amendment was not adopted.

Senator Pariseau moved to amend Senate Resolution No. 71 as follows:

Page 35, lines 10, 12, 14, 16, 18, 21, and 24, delete "Committee" and insert "Senate"

Page 35, lines 15 and 16, delete "or the Committee on Finance"

Page 35, lines 16 and 17, delete ", by resolution," and insert "a second resolution setting"

Page 36, lines 3 and 4, delete "or by the Committee on Finance"

Page 36, lines 13 and 14, delete "or the Committee on Finance"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Bachmann	Kierlin	Limmer	Pariseau	Stevens
Day	Kiscaden	Marty	Reiter	Terwilliger
Dille	Kleis	Neuville	Robertson	
Fischbach	Knutson	Oliver	Robling	
Frederickson	Larson	Olson	Scheevel	
Johnson, Debbie	Lesewski	Ourada	Schwab	

Those who voted in the negative were:

Anderson	Cohen	Johnson, Dave	Krentz	Moe, R.D.
Belanger	Foley	Johnson, Dean	Langseth	Murphy
Berglin	Fowler	Johnson, Doug	Lessard	Orfield
Betzold	Higgins	Kelley, S.P.	Lourey	Pappas
Chaudhary	Hottinger	Kinkel	Metzen	Pogemiller

Price
Ranum
Ring

Sabo
Sams
Samuelson

Scheid
Solon
Stumpf

Tomassoni
Vickerman
Wiener

Wiger

The motion did not prevail. So the amendment was not adopted.

Senator Kleis moved to amend Senate Resolution No. 71 as follows:

Page 11, line 27, strike "Daily"

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend Senate Resolution No. 71 as follows:

Page 8, line 8, strike "To the extent practical,"

Page 8, line 12, before the period, insert ", except that, during the last two weeks before the second committee deadline, the notice period may be less if three days' notice is not practical"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 37, as follows:

Those who voted in the affirmative were:

Bachmann
Belanger
Berg
Day
Fischbach

Johnson, Debbie
Kierlin
Kleis
Knutson
Larson

Lesewski
Limmer
Neuville
Oliver
Olson

Ourada
Pariseau
Reiter
Robling
Scheevel

Schwab
Stevens
Terwilliger

Those who voted in the negative were:

Anderson
Berglin
Betzold
Chaudhary
Cohen
Dille
Foley
Fowler

Higgins
Hottinger
Johnson, Dave
Johnson, Dean
Johnson, Doug
Kelley, S.P.
Kinkel
Lessard

Lourey
Marty
Metzen
Moe, R.D.
Murphy
Orfield
Pappas
Pogemiller

Price
Ranum
Ring
Robertson
Sabo
Sams
Samuelson
Scheid

Solon
Stumpf
Tomassoni
Vickerman
Wiger

The motion did not prevail. So the amendment was not adopted.

Senator Betzold moved to amend Senate Resolution No. 71 as follows:

Page 4, after line 36, insert:

"7. BUDGET RESOLUTION

7.1 The Committees on Taxes and on Finance must hold hearings as necessary to determine state revenues and appropriations for the fiscal biennium.

7.2 Within 30 days after the last state general fund revenue and expenditure forecast for the next fiscal biennium becomes available during the regular session in the odd-numbered year, and after receiving from the Committee on Taxes a resolution containing its recommendation on the maximum limit on revenues and an amount to be set aside as a budget reserve and a cash flow account, the Committee on Finance must adopt and report to the Senate a budget resolution, in the form of a Senate resolution. The budget resolution must set: (1) the maximum limit on revenues and net appropriations for the next fiscal biennium for the general fund; and (2) an amount or amounts to be set aside as a budget reserve and a cash flow account. The budget resolution must not specify, limit, or prescribe revenues or appropriations by any category other than those specified in clauses (1) and (2). If the Committee on Finance recommends a maximum limit on revenues or an amount for the budget reserve or cash flow account that differs from the amount recommended by the Committee on Taxes, the recommendation of the Committee on Finance must be referred to the Committee on Rules and Administration before it may be considered by the Senate.

7.3 After the Senate adopts the budget resolution, the limits in the resolution are effective during the regular session in the year in which the resolution is adopted, unless the Senate, acting upon a subsequent report of the Committee on Taxes as to revenues or of the Committee on Finance as to appropriations, adopts a different limit or limits for the same fiscal biennium. During the regular session in the even-numbered year, before the Committee on Finance reports a bill containing net appropriations in excess of the general fund appropriations in the current fiscal biennium estimated by the most recent state budget forecast, the Committee must adopt a budget resolution that accounts for the net appropriations. After the Committee adopts the budget resolution, it is effective during the regular session that year, unless the Committee adopts a different or amended resolution.

7.4 Within 14 days after the Senate or the Committee on Finance adopts a budget resolution, the Committee must adopt, by resolution, limits for each major appropriation bill identified in this Rule. After the Committee adopts the resolution, the limits in the resolution are effective during the regular session in the year in which the resolution is adopted, unless the Committee subsequently adopts different or amended limits for the same fiscal biennium. If the Committee on Finance or the Senate combines two or more major appropriation bills into one bill, the limits in the Committee resolution pertaining to those bills are also combined, and the sum of the combined limits applies to the combined bill.

7.5 The major tax and appropriation bills are:

- (1) the omnibus tax bill;
- (2) the E-12 education appropriations bill;
- (3) the higher education appropriation bill;
- (4) the environment and agriculture appropriations bill;
- (5) the health, human services and corrections appropriations bill;
- (6) the state government, economic development and the judiciary appropriations bill;
- (7) the transportation and public safety appropriations bill; and
- (8) the omnibus capital investment bill.

7.6 After the adoption of a resolution by the Senate or by the Committee on Finance, the Committee on Finance and the Committee on Taxes must reconcile each bill recommended by the committee with the resolution or resolutions. When reporting a bill, the committee must certify to the Senate that the committee has reconciled the fiscal effect of the bill with the resolution or resolutions and that the bill, as reported by the committee, together with other bills reported and expected to be reported by the committee, does not and will not exceed the limits specified in either resolution.

7.7 After the adoption of a resolution by the Senate or the Committee on Finance, an amendment to a bill is out of order if it would cause any of the limits specified in either resolution to be exceeded. Whether an amendment is out of order under this Rule is a question to be decided in the Senate by the President and in committee by the committee chair. In making the determination, the presiding officer may consider:

- (1) the limits in a resolution;
- (2) the effect of existing laws on revenues and appropriations;
- (3) the effect of amendments previously adopted to the bill under consideration;
- (4) the effect of bills previously recommended by a committee or bills previously passed in the legislative session by the Senate or by the Legislature;
- (5) whether appropriation increases or revenue decreases that would result from the amendment

are offset by decreases in other appropriations or increases in other revenue specified by the amendment; and

(6) other information reasonably related to appropriation and revenue amounts."

Page 34, delete lines 11 to 36

Page 35, delete lines 1 to 36

Page 36, delete lines 1 to 33

Renumber the rules in sequence and correct the internal references

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend Senate Resolution No. 71 as follows:

Page 9, after line 22, insert:

"11.12 In each year of a regular session, a member may designate one bill of which the member is the chief author as a priority bill, and a member who chairs a standing committee may designate one additional bill that has been referred to that committee as a priority bill. The designation must be made before the 40th legislative day in the first year of a biennial session and before the 20th legislative day in the second year of a biennial session. A member may withdraw the designation of a priority bill but may not substitute a new one. A bill that appropriates money or increases or decreases a tax may not be designated a priority bill. Each committee to which a priority bill has been referred must schedule it for hearing ahead of any bills that have not been designated a priority, unless the chief author of the priority bill agrees otherwise. A committee may recommend amendments to a priority bill only with the consent of its chief author. The committee must act on the bill and report its recommendation to the Senate. If the recommendation is that the bill do not pass, upon adoption of the committee report the bill must be given its second reading and placed on General Orders. If a motion is made in Committee of the Whole that a priority bill do pass and the motion is defeated, the priority bill loses its status as a priority bill."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Larson	Olson	Scheevel
Belanger	Johnson, Debbie	Lesewski	Ourada	Schwab
Berg	Kierlin	Lessard	Pariseau	Stevens
Day	Kiscaden	Limmer	Reiter	Terwilliger
Dille	Kleis	Neuville	Robertson	
Fischbach	Knutson	Oliver	Robling	

Those who voted in the negative were:

Anderson	Hottinger	Langseth	Ranum	Tomassoni
Berglin	Johnson, Dave	Lourey	Ring	Vickerman
Betzold	Johnson, Dean	Marty	Sabo	Wiener
Chaudhary	Johnson, Doug	Metzen	Sams	Wiger
Cohen	Kelley, S.P.	Moe, R.D.	Samuelson	
Foley	Kelly, R.C.	Pappas	Scheid	
Fowler	Kinkel	Pogemiller	Solon	
Higgins	Krentz	Price	Stumpf	

The motion did not prevail. So the amendment was not adopted.

Senator Oliver moved to amend Senate Resolution No. 71 as follows:

Page 9, after line 22, insert:

"11.12 In each year of a regular session, a member may designate one bill of which the member is the chief author as a priority bill. The member may not withdraw the designation during that

year. The designation must be made at least three weeks before the deadline for committees to act favorably on bills in the house of origin. Each committee to which a priority bill has been referred must schedule it for hearing at least one week before the deadline for committees to act favorably on bills in the house of origin."

The motion did not prevail. So the amendment was not adopted.

Senator Lessard moved to amend Senate Resolution No. 71 as follows:

Page 6, line 6, after the period, insert "Each major political party that has at least one member elected to the Senate must be given at least one position on the Committee on Rules and Administration."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Larson	Olson	Stevens
Belanger	Kierlin	Lesewski	Pariseau	Terwilliger
Berg	Kiscaden	Lessard	Robertson	
Dille	Kleis	Limmer	Robling	
Fischbach	Knutson	Oliver	Schwab	

Those who voted in the negative were:

Anderson	Higgins	Krentz	Pappas	Samuelson
Berglin	Hottinger	Lourey	Pogemiller	Solon
Betzold	Johnson, Dave	Marty	Price	Stumpf
Chaudhary	Johnson, Dean	Metzen	Ranum	Tomassoni
Cohen	Johnson, Doug	Moe, R.D.	Ring	Vickerman
Foley	Kelley, S.P.	Murphy	Sabo	Wiener
Fowler	Kinkel	Neuville	Sams	Wiger

The motion did not prevail. So the amendment was not adopted.

Senator Moe, R.D. moved the adoption of the foregoing resolution, as amended. The motion prevailed. So the resolution, as amended, was adopted.

Senator Kelly, R.C. moved that S.F. No. 288 be withdrawn from the Committee on Finance and re-referred to the Committee on Jobs, Housing and Community Development. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Senators Sams, Samuelson, Solon, Metzen and Belanger introduced--

S.F. No. 1226: A bill for an act relating to insurance; no-fault auto; regulating basic economic loss benefits; amending Minnesota Statutes 2000, section 65B.44, subdivision 1.

Referred to the Committee on Commerce.

Senators Johnson, Dave; Knutson and Metzen introduced--

S.F. No. 1227: A bill for an act relating to commerce; amending provisions relating to charges recipients of dishonored checks may collect from persons who write the checks; amending Minnesota Statutes 2000, section 332.50.

Referred to the Committee on Commerce.