

**PERMANENT RULES**  
**OF THE**  
**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-FIFTH LEGISLATURE**  
**2007-2008**



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## **PERMANENT RULES OF THE SENATE**

### **85TH LEGISLATURE (2007 - 2008)**

#### **1. PARLIAMENTARY REFERENCE**

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure 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**

Every bill, memorial, order, resolution or vote requiring the approval of the Governor must be reported to the Senate on three different days 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**

3.1 Bills, memorials, and concurrent or joint resolutions may be introduced by a member or by a standing committee.

3.2 The name of the author, authors, or committee must be written on the bill, memorial or resolution. The number of authors may not exceed five.

3.3 An original and two copies are required for introduction.

3.4 A member or a committee desiring to introduce a bill, memorial or concurrent or joint resolution shall 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 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 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 must be presented to the Senate when it reconvenes and must be referred to the standing committees previously indicated by the President, subject to objection to the referral under Rule 4.10.

#### **4. BILL REFERRAL**

4.1 The President shall refer each bill without motion to the proper standing committee unless otherwise referred by the Senate.

4.2 A bill or resolution may not be referred to committee or amended until it has been given its first reading.

4.3 A member may not object to a bill or resolution on its introduction.

4.4 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, must be referred before passage to the Committee on Finance.

4.5 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 and Oversight, must be referred before passage to the Committee on State and Local Government Operations and Oversight.

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

4.7 All bills authorizing or increasing a sentence of imprisonment to a state correctional institution must be referred before passage to the Committee on Judiciary.

4.8 All resolutions required to follow the same procedure as bills must be referred before passage to the Committee on Rules and Administration.

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

4.10 A member may question the reference of a bill during the order of business of first reading on the day of introduction. 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.

## **5. RECALL FROM COMMITTEE**

5.1 With the concurrence of the chief author of the bill, before the deadline for committee action on a bill, a majority of the whole Senate may recall the bill from 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 chief author, may remove a bill from committee and re-refer it to any other committee or place it on General Orders.

## **6. RESOLUTIONS**

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 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 When a member gives notice of 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 must lie over one calendar day without debate or other action.

6.4 Upon the request of a member, the resolution must be referred to the proper committee. If a question arises concerning the proper reference the procedure provided by Rule 4.10 applies.

## **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 appropriations bill;
- (4) the health and human services appropriations bill;
- (5) the environment, energy, and natural resources appropriations bill;
- (6) the agriculture and veterans appropriations bill;
- (7) the economic development appropriations bill;
- (8) the public safety appropriations bill;
- (9) the judiciary appropriations bill;
- (10) the state government appropriations bill;
- (11) the transportation appropriations bill; and
- (12) the omnibus capital investment bill.

A major appropriation or tax bill may not be divided.

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.

## 8. CONFIRMATIONS

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

8.2 An appointment referred to committee and not reported to the Senate within 60 legislative days 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.

8.3 The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question must not be put the same day the appointment is received or on the day it is reported by committee except by unanimous consent. Confirmation of the appointment requires the affirmative vote of a majority of the whole Senate.

## **9. STANDING COMMITTEES**

The standing committees of the Senate are as follows:

Agriculture and Veterans

Business, Industry and Jobs

Capital Investment

Commerce and Consumer Protection

Education

Energy, Utilities, Technology and Communications

Environment and Natural Resources

Finance

Health, Housing and Family Security

Higher Education

Judiciary

Rules and Administration

State and Local Government Operations and Oversight

Taxes

Transportation

## **10. APPOINTMENTS TO STANDING COMMITTEES**

10.1 The majority and minority 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 must be given adequate notice of its positions before the session begins.

10.2 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 14 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.

10.3 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 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.

10.4 The Senate resolution establishing representation on all Senate standing committees must set forth committee assignments as made by the majority and minority groups.

10.5 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 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.

10.6 After the organization of the Senate and after consultation with and the approval of the minority leader, the Chair of the Committee on Rules and Administration may add members to or delete members from a standing committee or division.

## **11. APPOINTMENTS BY SUBCOMMITTEE ON COMMITTEES**

11.1 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 Committee on Rules and Administration. The subcommittee consists of at least five members,

including members of the minority group substantially in proportion to their number in the Senate.

11.2 Unless otherwise provided, the Subcommittee on Committees shall appoint all members of commissions or other bodies authorized to be appointed by the Senate and report the appointments to the Senate.

## 12. COMMITTEE MEETINGS

12.1 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.

12.2 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 55 apply.

12.3 To the extent practical, a committee, subcommittee, or division shall announce each meeting to the public at least three calendar days before convening. The notice 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 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 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 as soon as practicable.

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

12.5 Committees, subcommittees, and divisions may not meet while the Senate is in session without permission of the Senate. The names of the members excused shall be printed in the Journal.

12.6 A majority of its members constitutes a quorum of a committee, subcommittee, or division.

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

12.8 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.

12.9 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 must be made of the vote on the bill or any amendment in the committee, subcommittee, or division.

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

12.11 A committee 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.

### **13. HOUR OF CONVENING**

If the Senate adjourns without setting a time to reconvene, the Senate shall convene on the next legislative day at 10:00 a.m.

### **14. PRESIDENT**

14.1 The President shall take the chair at the 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.

14.2 The President may call a member to preside. In the absence of the President, the President Pro Tem, 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 to perform the duties of the President. Substitutions do not extend beyond adjournment.

14.3 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.

14.4 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?"

14.5 The President shall sign all acts, memorials, addresses and resolutions. All writs, warrants, and subpoenas issued by the Senate must be signed by the President and attested by the Secretary.

14.6 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.

## **15. ADMISSION TO SENATE CHAMBER**

15.1 The Senate Chamber is reserved for Senate use.

15.2 A person may not be admitted to the Senate Chamber 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.

15.3 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.

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

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

15.6 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.

15.7 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.

15.8 Public hearings may not be held in the Senate Chamber. The Senate Chamber may not be used for any commercial purpose.

15.9 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.

15.10 When a member-elect is sworn in, the member-elect may request that one guest be admitted until the member-elect has been sworn in.

## **16. PRIVILEGE OF REPORTERS**

16.1 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 that regularly cover the legislature, namely: The Associated Press, St. Paul Pioneer Press, St. Paul Legal Ledger, Star Tribune, Duluth News-Tribune, The Forum, Rochester Post-Bulletin, St. Cloud Times, WCCO radio, KSTP radio, Minnesota Public Radio, and Minnesota News Network. The Secretary shall provide an additional two spaces 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 time. Other news media personnel may occupy seats provided in the Senate gallery.

16.2 The Secretary 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.

16.3 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.

## 17. DECORUM

17.1 In case of a disturbance or disorderly conduct in the lobbies or galleries, the President may order them cleared.

17.2 A member may not introduce a visitor or visitors in the galleries from the floor or rostrum of the Senate.

17.3 Smoking is not permitted in the Senate Chamber or galleries, the Retiring Room, hearing rooms, offices, or other spaces under the control of the Senate.

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

17.5 Television recording or broadcasting on the Senate floor is under the direction of the Secretary.

## 18. ORDER OF BUSINESS

18.1 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.

18.2 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.

## **19. PETITIONS AND OTHER COMMUNICATIONS**

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

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

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

## **20. MESSAGES FROM THE HOUSE**

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.

## **21. OBJECTIONS TO COMMITTEE REFERRALS**

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.

## 22. GENERAL ORDERS

22.1 The Secretary shall make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate that are referred to the Committee of the Whole and number them. The lists are called the "General Orders".

22.2 Items on General Orders may be taken up in the order in which they are numbered, as ordered by the Chair of the Committee on Rules and Administration, or as otherwise ordered by a majority of the committee.

22.3 General Orders, together with all bills required to be included on it, must be electronically available or printed at least one calendar day before being considered in Committee of the Whole.

22.4 With the concurrence of the 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.

## 23. COMMITTEE OF THE WHOLE

23.1 All bills, memorials, orders, resolutions and votes requiring the approval of the Governor must, after a second reading, be considered in Committee of the Whole before they are finally acted upon by the Senate, unless considered on the Consent Calendar or as a Special Order.

23.2 The President may call a member to the Chair when the Senate resolves itself into the Committee of the Whole.

23.3 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 may not be made.

23.4 Three members may request a roll call vote. The vote must be recorded in the Journal along with the amendment.

23.5 The recommendations of the Committee of the Whole must be reported to the Senate. The question is on the adoption or rejection of the report, and no other question may be admitted. The question may be divided to permit separate Senate action on the report as to any bill.

23.6 On adoption of the report of the Committee of the Whole, all bills recommended to pass must be placed on the Calendar.

#### **24. CALENDAR**

24.1 The Secretary shall make a Calendar of all bills, resolutions and other matters 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.

24.2 The Calendar must be electronically available or printed at least one calendar day before the matters on it are considered.

#### **25. CONSENT CALENDAR**

25.1 If a committee determines that a bill it recommends to pass is not likely to be opposed, the committee may recommend that the bill be placed on the Consent Calendar. If the committee report is adopted, the bill 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.

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

25.3 The Consent Calendar must be electronically available or printed at least one calendar day before the matters on it are considered.

25.4 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 is referred to the Committee of the Whole, and the Secretary shall place it at the bottom of General Orders subject to Rule 22.2, except that it need not lie over one calendar day before consideration in the Committee of the Whole.

#### **26. SPECIAL ORDERS**

26.1 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.

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

26.3 During consideration of a special order, Rule 36.5 is suspended.

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

26.5 On any question, a member may request a roll call vote, which must be entered in the Journal.

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

26.7 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.

## **27. MOTIONS**

27.1 A motion or amendment must be written if a member requests. It must identify the member or committee offering it.

27.2 When a motion is made, it must be stated by the President. If it is in writing, it must be handed to the Secretary and read to the members.

27.3 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.

## **28. PRECEDENCE OF MOTIONS**

28.1 When a question is under debate no motion may be 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.

28.2 Motions numbered 1, 2, 4 and 5 above are not debatable.

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

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

## **29. MOTION TO ADJOURN**

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

## **30. MOTION TO RECONSIDER**

30.1 When a motion or question has been decided, a member who voted with the prevailing side 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 before the disposition of the motion for reconsideration, a motion for reconsideration must lie over until the next succeeding day the Senate meets except as provided in this rule.

30.2 When notice of 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.

30.3 A notice of 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.

30.4 A motion for reconsideration having been once voted on may not be made again nor reconsidered.

### **31. MOTION FOR THE PREVIOUS QUESTION**

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

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

31.3 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, must be decided, whether on appeal or otherwise, without debate.

### **32. MOTION TO REFER**

A bill or resolution may be referred to committee at any time before its passage. If an amendment is reported on the referral to any committee other than the Committee of the Whole, it 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 must be placed at the head of General Orders, except when the referral is from the Consent Calendar under Rule 25.4.

### **33. MOTION TO AMEND BILL OR RESOLUTION**

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

33.2 In drawing an amendment to a bill or resolution, reference must be made, first to the number of the bill, then to the page, and then to the line or lines where language is to be stricken or inserted.

33.3 In filling blanks, the largest sum, the longest time and the greatest distance must be first taken.

33.4 The title to a bill may be amended by the Secretary at any time the bill is amended by the Senate.

33.5 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, 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.

### **34. MOTION TO SUSPEND RULES**

34.1 A rule may be suspended by a vote of at least two-thirds of the whole Senate.

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

### **35. GERMANENESS**

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

35.2 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.

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

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

35.5 A motion to remove an amendment placed on a House bill under Rule 45.1 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.

35.6 If a House amendment to a Senate bill is not germane to the Senate bill, a motion to concur in the House amendment is out of order.

### **36. DEBATE**

36.1 When a member is about to speak to the Senate, the member shall rise and respectfully address "Mr. (or Madam) President." The member may not proceed to speak further until recognized by the President.

36.2 The member shall speak only to the question under debate and avoid personality.

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

36.4 In discussing a resolution, each member is limited to ten minutes.

36.5 A member may not speak more than twice on the same question on the same day without permission of the Senate.

36.6 When a member is speaking, no one may stand between the member speaking and the President.

36.7 A member may not speak without using a microphone.

36.8 All remarks during debate shall be addressed to the President.

36.9 When the President puts a question, or addresses the Senate, no one may walk out of or cross the Chamber.

36.10 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 must be taken down in writing by the Secretary immediately.

### **37. ABSENCE OF MEMBERS**

A member or officer of the Senate 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.

### **38. CALL OF THE SENATE**

38.1 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.

38.2 Upon the imposition of a call, a member may request a record of those present and the Sergeant at Arms shall bring in the absent members.

38.3 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 of the whole Senate, or until the Senate adjourns.

38.4 A majority of the whole Senate may excuse members not answering the call.

38.5 A call may not be imposed after voting has commenced.

### **39. DIVISION OF QUESTION**

39.1 A member may call for a division of the question when the division is possible. A motion to strike and insert is indivisible.

39.2 The defeat of a motion to strike does not preclude an amendment nor a motion to strike and insert.

### **40. VOTING**

40.1 The President shall distinctly state the question before taking the vote. The President shall declare the result of the vote. If a member questions the result of a vote, the President shall order a division.

40.2 A member may vote on a question or be counted on a division only at the member's own seat in the Senate Chamber.

40.3 At any time before the start of voting on a question, a member may request a roll call vote, which must be entered in the Journal.

40.4 Unless otherwise ordered, a roll call vote, except upon elections, may be taken by means of the electrical voting system under the control of the President.

40.5 A roll call vote may not be interrupted except to close the roll as provided in Rule 41.3.

40.6 A member or other person may not proceed to or remain by the Secretary's desk while a roll call or division is being taken.

### **41. MEMBERS TO VOTE UNLESS EXCUSED**

41.1 Every member who is in the Senate Chamber during a roll call shall vote upon the request of another member unless excused by the Senate.

41.2 A motion by a member to be excused from voting 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.

The question on the motion to excuse must be taken without further debate.

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

41.4 The vote on a motion to close the roll must be taken without debate. No member is required to vote on the motion.

## **42. FINAL PASSAGE**

The final question 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 on its final passage.

## **43. TRANSMITTING BILLS TO THE HOUSE**

43.1 Except when a motion to reconsider has been made as provided in Rule 30, 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.

43.2 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.

## **44. ENGROSSING AND ENROLLING OF BILLS**

44.1 The Secretary and the Engrossing Secretary shall ensure that every bill, memorial, or resolution originating in the Senate is carefully engrossed before 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.

44.2 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.

## 45. COMPARISON AND SUBSTITUTION OF BILLS

45.1 A House bill, after its first reading, 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:

(a) If there is no Senate companion bill, the House bill must be referred to the appropriate standing committee, unless there is objection under Rule 4.10.

(b) If there is a Senate companion bill, the House bill 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 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 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 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 must be given its second reading and substituted for the Senate companion bill and the Senate companion bill must be indefinitely postponed.

45.2 The Secretary shall prepare and submit reports under this rule on behalf of the Committee on Rules and Administration.

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

## 46. CONFERENCE COMMITTEES

46.1 The Committee on Rules and Administration may constitute a standing Subcommittee on Conference Committees, the report of which within its jurisdiction has the effect of a report of the Committee on Rules and Administration. The subcommittee consists of three members, one of whom must be a member of the minority group.

46.2 The Subcommittee on Conference 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 Conference 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.

#### **47. DISPOSITION OF BILLS ON ADJOURNMENT**

Adjournment of the regular session in an odd-numbered year to a date certain in the following year is equivalent to daily adjournment, except that a bill on the Calendar, Consent Calendar, General Orders, or table, other than a bill laid on the table after being vetoed by the governor or after its conference committee has been discharged under Joint Rule 3.02, 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 before adjournment. Bills returned to committee under this rule 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.

#### **48. PRINTING AND DISTRIBUTION OF BILLS**

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

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

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

48.4 A bill must be electronically available or printed when ordered by the Senate.

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

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

#### **49. JOURNAL AND INDEX**

49.1 The Secretary shall keep a correct Journal of the proceedings of the Senate and shall perform other duties assigned to the Secretary.

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

49.3 The Secretary shall supervise the recording of proceedings in the Journal, the engrossing, transcribing and copying of bills and resolutions, and generally perform the duties of Secretary, under direction of the Committee on Rules and Administration.

49.4 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.

49.5 The Secretary shall keep a record of all Senate and House bills showing the status of each bill pending, until its final passage.

#### **50. ELECTRONIC RECORDINGS**

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

50.2 Within two working days after each Senate session, the Secretary shall make a copy of the electronic record and corresponding log of proceedings of the Senate and the Committee of the Whole available to the Legislative Reference Library.

50.3 Within one week after each meeting of a standing committee, subcommittee, or division, the Secretary shall 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.

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

50.5 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 the electronic record of the session or meeting was made available to the Legislative Reference Library. The Library shall keep a similar record of all electronic records to which it has been given access.

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

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

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

50.9 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.

## **51. OTHER DUTIES OF SECRETARY**

51.1 The Secretary shall not issue a certificate authorizing the payment of money by virtue of a motion or resolution, unless the motion or resolution is voted for by a majority of the whole Senate on a roll call vote.

51.2 The Secretary and the Engrossing Secretary 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.

51.3 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.

51.4 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.

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

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

## **52. SERGEANT AT ARMS**

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 the Chamber is open for the use of members of the Senate at least one-half hour before the start of a session; and perform all other services pertaining to the office of Sergeant.

## **53. BUDGET AND EXPENDITURES**

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

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

## 54. EMPLOYEES

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

54.2 The Secretary shall keep a roster of all employees of the Senate, including positions and compensation, which must be open for inspection by the public.

54.3 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.

54.4 Except as otherwise provided in these rules, the Committee on Rules and Administration has full and exclusive authority over, and charge of all employees of the Senate both elected and 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 provide.

54.5 The committee may make employment rules and regulations. In case of violation of an order of the committee by an employee, 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, the Committee on Rules and Administration may hear complaints and discharge the employee or impose discipline, a fine, or other punishment upon the employee.

54.6 The Secretary shall supervise the employees under the direction of the Committee on Rules and Administration.

## 55. SUBCOMMITTEE ON ETHICAL CONDUCT

55.1 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.

55.2 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.

55.3 The subcommittee shall investigate a complaint by a member of the Senate in writing under oath received before adjournment sine die in the last year of a senate term or during a special session held after that time regarding improper conduct by a member or employee of the Senate. The subcommittee has the powers of a standing committee to issue subpoenas under Minnesota Statutes, section 3.153.

55.4 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.

55.5 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 Rules 12.1 to 12.3 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.

55.6 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.

55.7 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.

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

55.9 If criminal proceedings relating to the same conduct have begun, the subcommittee may defer its proceedings until the criminal proceedings have been completed.

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

## **56. STANDARDS OF ETHICAL CONDUCT**

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

56.2 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.

56.3 Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute.

## **57. 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.

## **58. LOBBYISTS**

58.1 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 on whose behalf the lobbyist speaks and the purpose of the lobbyist's appearance.

58.2 A lobbyist shall not knowingly, either directly or through a third party, 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, subcommittees, or divisions.

58.3 The Subcommittee on Ethical Conduct shall investigate a complaint by a member of the Senate in writing under oath received before adjournment sine die in the last year of a Senate term or during a special session held after that time that a lobbyist has violated Rule 58.1 or 58.2. The investigatory procedures of Rule 55 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 58.1 or 58.2 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.

#### **59. AMENDMENTS TO RULES**

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

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