



2015 SENATE RESOLUTION 2

January 13, 2015 – Introduced by Senators S. FITZGERALD, LAZICH and FARROW.

1 **To amend** senate rule 8 (4), senate rule 13, senate rule 17 (1) (intro.), senate rule 18
2 (4), senate rule 25 (4) (am), senate rule 25 (4) (b), senate rule 46 (6) (c), senate
3 rule 56m (2m), senate rule 65 (3), senate rule 73m (1) (b), senate rule 84, senate
4 rule 85 (1), senate rule 93 (1d) and senate rule 93 (2); **to repeal and recreate**
5 senate rule 87; and **to create** senate rule 11 (10), senate rule 20 (2) (d) and
6 senate rule 56m (2r); **relating to:** the senate rules.

Analysis by the Legislative Reference Bureau

This resolution makes the following changes to the senate rules:

Prohibiting senators from taking photographs or making any video recording in the senate chamber

The resolution prohibits senators from taking photographs or making any video recording in the senate chamber.

Admittance to senate chamber before and after floorperiod

The resolution provides that no person may be admitted to the senate chamber immediately before convening and immediately after adjourning a floorperiod without the permission of the presiding officer. Under the resolution, the presiding officer must establish the time periods before the convening and after the adjourning of a floorperiod when this provision applies. This provision, however, does not apply to the governor, the lieutenant governor, members of the legislature, members of the

staff of the sergeant at arms, and designated members of the chief clerk's staff, as well as state officers, all other employees of either house of the legislature, of legislative committees, and of legislative service agencies while engaged in the performance of their duties, members of Congress, justices of the supreme court, and former members of the legislature.

Disturbances in senate chamber

Current senate rules permit the presiding officer to clear the senate floor, gallery, or lobby of all persons except members and officers whenever a disturbance occurs. The resolution provides that this power applies to the entire senate chamber.

Orders of business and opening prayer and pledge of allegiance

The resolution clarifies that the opening prayer and pledge of allegiance need not precede the call of roll on a floor day.

Consideration of unfinished calendars

The resolution provides that unfinished calendars may be taken up at a time designated by the Committee on Senate Organization. Currently, unless otherwise ordered, these calendars are taken up after the ninth and before the tenth order of business on the current floor day.

Specifying ranking minority member of committees

The resolution provides that, unless the member is the chairperson, the first-appointed minority member of each standing committee is the ranking minority member of that committee. Current senate rules are silent on identifying the ranking minority member of committees.

Ballot voting in senate committees

Current senate rules permit committees to conduct an executive session on a proposal, amendment, appointment, or proposed administrative rule by ballot. The resolution allows a member to change his or her vote if the change does not affect the outcome of the vote and if the proposal, amendment, appointment, or proposed administrative rule has not been reported out of committee. In no case, however, may a member change his or her vote later than 24 hours after the ballot is due as provided in the executive session notice.

Public notice of ballot voting in senate committees

The resolution provides that if a chairperson of a committee elects to vote by ballot, public notice must be posted on the bulletin board of each house prior to the circulation of the ballot at least 24 hours before the commencement of the circulation of the ballot, unless the Committee on Senate Organization determines that for good cause such notice is impossible or impractical. But in no case may notice be provided less than two hours in advance of a meeting. This provision, however, does not apply to the Senate Committee on Organization for purposes of scheduling business before the senate.

Motion for adverse and final disposition of assembly amendments to senate bills

The resolution provides that nonconcurrency is the proper motion for adverse and final disposition of assembly amendments to senate bills.

Points of order and consideration

The resolution clarifies that when a point of order concerns a proposal *or a question currently pending on the proposal*, taking the point of order under advisement removes the proposal *or the question currently pending on the proposal* from further consideration, including ordering the proposal to a third reading, until the presiding officer announces the ruling on the point of order. The resolution also applies this principle to amendments.

Removing proposals from the table

The resolution clarifies that a motion to remove a proposal from the table, if approved, has the effect of withdrawing the matter from the Committee on Senate Organization and placing it on the calendar of the next legislative day. Current senate rules do not specify which day's calendar.

Missed roll calls

Current senate rules provide that a member who does not vote during a roll call on a proposal may request unanimous consent to have his or her vote included in that roll after the roll is closed, if the request does not interrupt another roll call; the request is made no later than immediately following the close of the next occurring roll call; and the member's vote, if included, will not change the result of the roll call.

The resolution changes the timing of the request to no later than the start of the second succeeding roll call.

Entering of names in the journal during a call of the senate

Current senate rules provide that during a call of the senate, the chief clerk must immediately call the roll of the members, and note the absentees, whose names are read, and entered upon the journal in such manner as to show who are absent with leave and who are absent without leave. This resolution provides that the chief clerk is to enter the names upon the journal only if directed by the presiding officer.

Transacting business while under a call of the senate

The resolution clarifies that while the senate is under call, business may not be transacted with reference to the current question on which the call is made, but that other matters may be taken up. In addition, the resolution clarifies that, during a call of the senate, if the presiding officer determines that all members who were absent without leave are present, the presiding officer may transact business on the current question on which the call is made without lifting the call.

Matters that may be taken up during special, extended, and extraordinary sessions

The resolution provides that any nominations for appointments may be taken up during a special, extended, or extraordinary session.

1 ***Resolved by the senate, That:***

2 **SECTION 1.** Senate rule 8 (4) is amended to read:

1 SENATE RULE 8 (4) A member or other person may not, within the senate
2 chamber, read newspapers, periodicals, magazines, books, or similar materials,
3 unless the publication is relevant to the debate on the senate floor, ~~or~~; consume food,
4 beverages, or tobacco products; or take photographs or make any video recording.

5 **SECTION 2.** Senate rule 11 (10) is created to read:

6 SENATE RULE 11 (10) Except for a person described in sub. (1) or (2), no person
7 may be admitted to the senate chamber immediately before convening and
8 immediately after adjourning a floorperiod without the permission of the presiding
9 officer. The presiding officer shall establish the time periods before the convening
10 and after the adjourning of a floorperiod when this subsection shall apply.

11 **SECTION 3.** Senate rule 13 is amended to read:

12 SENATE RULE 13. **Disturbance in lobby senate chamber.** Whenever any
13 disturbance or disorderly conduct occurs ~~on the senate floor or in the lobby or gallery~~
14 in the senate chamber, the presiding officer may order ~~the same~~ any part of the
15 senate chamber cleared of all persons except members and officers.

16 **SECTION 4.** Senate rule 17 (1) (intro.) is amended to read:

17 SENATE RULE 17 (1) (intro.) ~~Following~~ The order of business in the senate,
18 including any opening prayer and the pledge of allegiance, ~~the order of business in~~
19 ~~the senate~~ is as follows:

20 **SECTION 5.** Senate rule 18 (4) is amended to read:

21 SENATE RULE 18 (4) Unless otherwise ordered at a time designated by the
22 committee on senate organization, after completion of the 9th order of business of the
23 current calendar day, and before consideration of the 10th and succeeding orders,
24 unfinished calendars shall be taken up and completed.

25 **SECTION 6.** Senate rule 20 (2) (d) is created to read:

1 SENATE RULE 20 (2) (d) Unless the member is the chairperson, the
2 first-appointed minority member of each standing committee is the ranking
3 minority member of that committee.

4 **SECTION 7.** Senate rule 25 (4) (am) is amended to read:

5 SENATE RULE 25 (4) (am) A committee may not conduct an executive session on
6 a proposal, amendment, appointment, or proposed administrative rule by ballot
7 unless the proposal, amendment, appointment, or proposed administrative rule has
8 lain over for at least 24 hours. The committee on senate organization may determine
9 that for good cause such a layover is impossible or impractical. In no case, however,
10 may a proposal, amendment, appointment, or proposed administrative rule be made
11 available to the public less than 2 hours before a ballot is circulated. The ballots shall
12 be in a form prescribed by the chief clerk. A member may change his or her vote if
13 the change will not affect the outcome of the vote and if the proposal, amendment,
14 appointment, or proposed administrative rule has not been reported out of
15 committee. In no case, however, may a member change his or her vote later than 24
16 hours after the ballot is due as provided in the executive session notice.

17 **SECTION 8.** Senate rule 25 (4) (b) is amended to read:

18 SENATE RULE 25 (4) (b) If a chairperson of a committee elects to vote by ballot
19 under par. (am), public notice shall be posted on the bulletin board of each house prior
20 to the circulation of the ballot as provided under sub. (1) (b) and (d). The notice shall
21 indicate the day and hour when the ballot will be circulated and the number, author,
22 and relating clause of each proposal to be considered. If unIntroduced legislation will
23 be considered, the notice shall indicate the draft number assigned to the legislation
24 by the legislative reference bureau and the relating clause of the legislation, and
25 shall indicate that copies of the draft legislation are available at the chief clerk's

1 office. The chairperson shall provide a copy of the draft legislation to the chief clerk
2 before posting the notice. The chief clerk shall distribute copies of the draft
3 legislation to any person who requests such copies.

4 **SECTION 9.** Senate rule 46 (6) (c) is amended to read:

5 SENATE RULE 46 (6) (c) Nonconcurrency (assembly bills ~~and~~, assembly joint
6 resolutions, and assembly amendments to senate bills).

7 **SECTION 10.** Senate rule 56m (2m) is amended to read:

8 SENATE RULE 56m (2m) When the point of order concerns a proposal or a
9 question currently pending on such the proposal, taking the point of order under
10 advisement removes the proposal or the question currently pending on the proposal
11 from further consideration, including ordering the proposal to a 3rd reading, until
12 the presiding officer announces the ruling on the point of order.

13 **SECTION 11.** Senate rule 56m (2r) is created to read:

14 SENATE RULE 56m (2r) When the point of order concerns an amendment, taking
15 the point of order under advisement removes the amendment from further
16 consideration until the presiding officer announces the ruling on the point of order.
17 Any proposal to which such an amendment is made may not be ordered to a 3rd
18 reading until the presiding officer announces the ruling on the point of order.

19 **SECTION 12.** Senate rule 65 (3) is amended to read:

20 SENATE RULE 65 (3) A motion to remove a proposal from the table, if approved,
21 has the effect of withdrawing the matter from the committee on senate organization
22 and placing it on the calendar of the next legislative day.

23 **SECTION 13.** Senate rule 73m (1) (b) is amended to read:

24 SENATE RULE 73m (1) (b) The request is made no later than immediately
25 following the close start of the next ~~occurring~~ 2nd succeeding roll call.

1 **SECTION 14.** Senate rule 84 is amended to read:

2 **SENATE RULE 84. Sergeant to bring in absentees.** The chief clerk shall
3 immediately call the roll of the members, and note the absentees, whose names shall
4 be read, and, if directed by the presiding officer, entered upon the journal in such
5 manner as to show who are absent with leave and who are absent without leave. The
6 chief clerk shall furnish the sergeant at arms with a list of those who are absent
7 without leave, and the sergeant at arms shall forthwith proceed to find and bring in
8 such absentees. In exercising his or her responsibilities under this rule, the sergeant
9 at arms may request the assistance of any law enforcement officer in this state.

10 **SECTION 15.** Senate rule 85 (1) is amended to read:

11 **SENATE RULE 85 (1) GENERAL RULE.** While the senate is under call, business may
12 not be transacted with reference to the ~~matter~~ current question on which the call is
13 made except to receive and act upon the report of the sergeant at arms, to act on a
14 motion to raise one or more calls, to adjourn, or to adjourn to a time certain. If the
15 presiding officer determines during a call that all members who were absent without
16 leave are present, the presiding officer may transact business on the current
17 question on which the call is made without lifting the call. A roll call on a call of the
18 senate must be completed before the senate may take up a special order fixed for that
19 time. A joint resolution to dispose of all matters before the senate and to recess
20 includes matters under call.

21 **SECTION 16.** Senate rule 87 is repealed and recreated to read:

22 **SENATE RULE 87. Call raised when absentees present and business**
23 **disposed of.** The call ends when the sergeant at arms reports that all who were
24 absent without leave are present and the business, pending when the call was made,
25 is disposed of.

