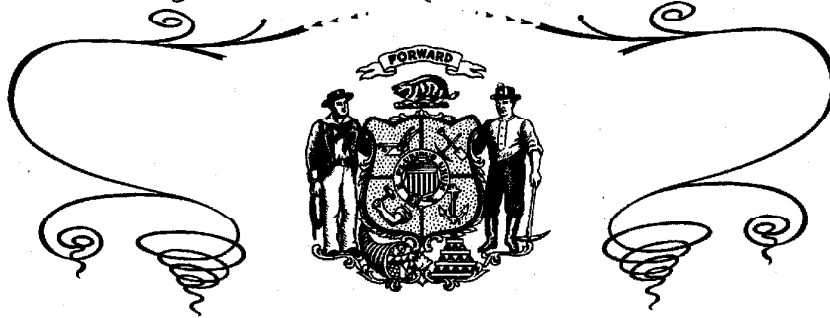


# State of Wisconsin



## SENATE RULES\*

As last affected by 1999 Senate Resolution 2  
Adopted January 4, 1999

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\* Under Senate Rule 94 (3) (a), a pamphlet of this type will be printed within one week following the adoption of any resolution making significant changes in the senate rules.

The senate rules were last readopted by 1979 Senate Resolution 2 on January 3, 1979. Subsequent changes, enacted by 1979 Senate Resolutions 3 and 4, 1981 Senate Resolutions 2, 19, 22 and 27, 1983 Senate Resolutions 4, 9, 11 and 13, 1985 Senate Resolutions 2 and 6, 1987 Senate Resolutions 2, 3 and 6, 1989 Senate Resolutions 2 and 3, 1991 Senate Resolution 2, 1993 Senate Resolutions 2, 3 and 7, 1995 Senate Resolution 2, 1997 Senate Resolution 2 and 1999 Senate Resolution 2 are recorded in the notes following the affected rules.

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## SENATE RULES

As last affected by 1999 Senate Resolution 2  
(Adopted January 4, 1999)

### Chapter 1: OFFICERS - ELECTION AND DUTIES

**SENATE RULE 1. President.** (1) The senate shall designate one of its members to serve as president for the legislative biennium.

(2) The president is the senate's presiding officer and shall authenticate by personal signature all the acts, orders and proceedings of the senate.

(3) The presiding officer shall, in general, represent and stand for the senate, declaring its will, and in all things obeying its commands. Every officer of the senate is subordinate to the committee on senate organization and, in all that relates to the discharge of such officer's several duties is under the supervision of the committee on senate organization.

[rn. from S.Rule 2; (title), (1), (2) am. 1979 S.Res. 3]

[(1) am. 1981 S.Res. 27]

[(title) and (1) am. 1985 S.Res. 2]

**SENATE RULE 2. Substitute president.** (1) When the president is absent or unable to preside over the senate sitting in session, the president pro tempore may preside and assume all of the duties enumerated under rule 4. The substitution shall not extend beyond adjournment and shall end upon the president's return or the election of a new president.

(2) When the president and president pro tempore are unable to preside, one of the members shall be elected to temporarily perform the duties of the chair until the return of the president or president pro tempore.

(3) The presiding officer may call any member to the chair but the substitution shall not extend beyond an adjournment or the return of the president.

[cr. 1979 S.Res. 3]

[(1), (2) am. 1993 S.Res. 3]

**SENATE RULE 3. Duties of president pro tempore and majority leader.** When the president is unable to serve, all the powers and duties of the president not enumerated in rule 4 shall devolve upon the president pro tempore. When both the president and president pro tempore are unable to serve, all the powers and duties of the president shall devolve upon the majority leader.

[r.cr. 1979 S.Res. 3]

[am. 1993 S.Res. 3]

**SENATE RULE 3m. Voting by presiding officer.** No senator may be excused from voting on any question by reason of occupying the chair.

[cr. 1979 S.Res. 3]

**SENATE RULE 4. Duties of president.** The president shall:

- (1) Open the session, at the time to which adjournment is taken, by taking the chair and calling the members to order.
- (2) Announce the business before the senate in the order in which it is to be acted upon.
- (3) Receive and submit, in the proper manner, all motions and propositions presented by the members.
- (4) Put to vote all questions which are regularly moved, or which necessarily arise in the course of proceedings, and announce the result.
- (5) Restrain the members while engaged in debate, within the rules of order.
- (6) Enforce on all occasions the observance of order and decorum among the members.
- (7) Inform the senate when necessary, or when referred to for that purpose, on any point of order or practice.
- (8) Receive messages and other communications from other branches of the government, and announce them to the senate.
- (9) Subject to approval by the senate, nominate the members who are to serve on a conference committee.
- (10) Refer every notice and report concerning a proposed administrative rule received by him or her under section 227.19 of the statutes to the appropriate standing committee of the senate within 7 working days following receipt, and provide notice to that committee whenever the president is informed that a proposed rule is being withdrawn. The president shall refer any report received from a standing committee which objects to a proposed rule to the joint committee for review of administrative rules.

[(10) cr. 1981 S.Res. 2]

**SENATE RULE 5. Election and duties of chief clerk.** (1) The chief clerk of the senate shall be elected at the commencement of each regular session, to hold office for the full term of the legislature (2 years) and until a successor is elected and qualified on the day of convening of the next legislature as established under section 13.02 (1) of the statutes unless removed by death, resignation or the vote of a majority of the actual present membership of the senate.

- (2) The chief clerk shall:
  - (a) Superintend the recording of the journals of the proceedings.
  - (b) Supervise the engrossing and enrolling of senate bills, resolutions and joint resolutions by the legislative reference bureau.
  - (c) Cause the daily journal of the proceedings to be kept and reproduced for distribution.
  - (d) Ensure that no records or papers belonging to the legislature are removed from the custody of the chief clerk's office except as required in the regular course of business.
- (3) The chief clerk shall be responsible for all official acts of the employes assigned to that office, and may designate one of those employes as assistant chief clerk who shall have general supervision under the direction of the chief clerk and in the absence of the chief clerk shall have all of the powers and duties of the chief clerk.

(4) On the day of convening of the next legislature as established under section 13.02 (1) of the statutes, when the president and assistant majority leader are absent or unable to preside over the senate sitting in session and the senate does not elect a substitute president under rule 2 (2), the chief clerk shall perform the duties of the chair.

[am.; (4) cr. 1983 S.Res. 4]  
[(2)(c) am. 1995 S.Res. 2]

**SENATE RULE 6. Election and duties of sergeant at arms.** (1) The sergeant at arms of the senate shall be elected at the commencement of each regular session, to hold office for the full term of the legislature (2 years) and until a successor is elected and qualified on the day of convening of the next legislature as established under section 13.02 (1) of the statutes unless removed by death, resignation or the vote of a majority of the actual present membership of the senate.

(2) The sergeant at arms shall:

(a) Carry out all orders of the senate or its presiding officer.

(b) Perform all the duties that may be assigned to the sergeant connected with the maintenance of decorum and good order in the chamber and in the galleries.

(c) Supervise the coming and going of all persons to and from the chamber.

(d) Enforce the provisions of rule 11 relating to lobbyists and lobbying.

(e) Provide for the prompt delivery of messages from or within the senate.

(f) Ensure that the chamber is properly ventilated and is open for the use of the members as directed by the presiding officer or from one hour preceding any daily session until one hour after that day's adjournment.

(g) Perform all other services pertaining to the office of sergeant at arms.

[am. 1983 S.Res. 4]

## Chapter 2: ORDER AND DECORUM

**SENATE RULE 7. President to preserve order; appeal.** (1) The president shall preserve order and decorum, may speak to points of order in preference to others, rising for that purpose; and shall decide questions of order, subject to an appeal by a member, on which appeal each member may speak once not to exceed 5 minutes.

(2) Whenever a point of order is raised, the president may rule thereon forthwith, or may defer the decision not later than the 5th order of business on the 2nd legislative day to provide time for examination of the precedents. Questions not ruled on within the required time shall be decided by a majority of the senate.

(3) Whenever the president finds it necessary to take a point of order under advisement in order to consult all sources of parliamentary law and practice available, the president shall submit the decision in writing stating the source consulted and the reasons for the decision. The text of the president's decision shall be spread upon the journal.

(4) On appeal being taken, the question shall be "Shall the decision of the chair stand as the judgment of the senate?" which question, and the action thereon, shall be entered on

the journal. The vote shall be taken by ayes and noes. A tie vote sustains the ruling of the chair.

(5) All points of order raised and the decisions thereon shall be entered in the journal.  
[(4) am. 1995 S.Res. 2]

**SENATE RULE 8. Conduct during floor session.** (1) Members, officers and employes shall wear appropriate attire while the senate is in session. Appropriate attire for men shall include the wearing of a coat.

(2) While the president is addressing the senate, or submitting a question, no member may cross the floor, or leave the senate. While a member is speaking, no member may walk between the speaking member and the chair.

(3) No member or other person may visit or remain by the clerk's table while the ayes and noes are being called. No member may leave his or her seat or be disturbed by any other person while the ayes and noes are being called.

(4) No member or other person may, within the bar of the senate, read newspapers or consume food, beverages or any tobacco products.

(5) No member or other person may smoke within the bar of the senate, the staff and press lobbies and the visitors' galleries.

[(2) and (3) am.; (4) r.cr.; (5) cr. 1985 S.Res. 2]  
[(1) am. 1995 S.Res. 2]

**SENATE RULE 11. Who may be admitted to the floor.** (1) Persons of the following classes, and no others, shall be admitted to that portion of the floor of the senate where the members sit in session: 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.

(2) Persons of the following classes, and no others, shall be admitted to that portion of the floor of the senate designated as the staff lobby during the session thereof: state officers, employes 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 ex-members of the legislature.

(3) However, none of those persons in subs. (1) and (2) who are registered as lobbyists or engaged in defeating or promoting any pending legislation shall have the privilege of the area.

(4) No ex-senator or any other person who shall be directly or indirectly interested in defeating or promoting any pending legislation, whether registered as a lobbyist or not, shall have the privilege of the floor of the senate at any time.

(5) All accredited correspondents of the news media, who confine themselves to their professional duties, shall have the privilege of the floor of the senate, except that during the sessions of the senate such privilege shall extend only to the press lobby.

(6) The foregoing rule shall not exclude such other persons as may be invited on the floor of the senate by the committee on senate organization.

[(6) am. 1987 S.Res. 2, 1993 S.Res. 3]



SENATE RULE 12. **Privileges of senate to contestants for seats.** Contestants for seats shall have the privilege of the senate until their respective cases are disposed of; the privilege to extend only so far as access to the chamber, during the time occupied in settling the contest.

SENATE RULE 13. **Disturbance in lobby.** Whenever any disturbance or disorderly conduct shall occur on the senate floor or in the lobby or gallery, the president shall have the power to cause the same to be cleared of all persons except members and officers.

### Chapter 3: ORDER OF BUSINESS

SENATE RULE 14. **Hour for meeting.** The senate shall meet at 10 a.m. on Tuesday, Wednesday and Thursday unless a different day or hour shall be prescribed by a resolution or motion adopted by majority vote.

SENATE RULE 15. **Roll call, quorum.** Before proceeding to business, the roll of the members shall be called, and the names of those present and those absent shall be entered on the journal. A majority of the membership presently serving must be present to constitute a quorum for the transaction of business; a smaller number, however, can adjourn; and may compel the attendance of absent members. When any roll call discloses the lack of a quorum, no further business may be conducted until a quorum is obtained, but the members present may take measures to procure a quorum or may adjourn.

SENATE RULE 16. **Leave of absence.** Members of the senate shall not absent themselves from the session during the entire day without first having obtained leave of absence. Such leave may be granted by a majority vote of the senate at any time.

SENATE RULE 17. **Order of business.** (1) Following any opening prayer and the pledge of allegiance, the order of business in the senate shall be as follows:

- (a) *First order.* Call of roll.
- (b) *Second order.* Introduction and reference of resolutions and joint resolutions.
- (c) *Third order.* Introduction, first reading and reference of bills.
- (d) *Fourth order.* Reports of committees.
- (e) *Fifth order.* Petitions and communications.
- (f) *Sixth order.* Executive communications.
- (g) *Seventh order.* Referrals and receipt of committee reports concerning proposed administrative rules.
- (h) *Eighth order.* Messages from the assembly.
- (i) *Ninth order.* Special orders.
- (j) *Tenth order.* Consideration of motions and resolutions.
- (k) *Eleventh order.* Second reading and amendment of senate joint resolutions and senate bills.

(L) *Twelfth order.* Second reading and amendment of assembly joint resolutions and assembly bills.

(m) *Thirteenth order.* Third reading of joint resolutions and bills.

(n) *Fourteenth order.* Motions may be offered.

(o) *Fifteenth order.* Announcements, adjournment honors and remarks under special privilege.

(p) *Sixteenth order.* Adjournment.

(2) A bill, resolution or other matter may be made a special order for a specified date and time by the committee on senate organization or by two-thirds of the members present. Once established, a special order can be postponed to a future date or time only by the committee on senate organization or by two-thirds of the members present. When the time for the special order has arrived and such special order is announced by the chair, or attention thereto is called by any member, such special order shall have precedence over the regular orders of business, and whenever the rules shall be suspended to advance such bill, resolution or other matter to a subsequent stage, its precedence as a special order shall continue, and whenever any such special order is under consideration, it shall not be interrupted by the arrival of the time for the consideration of another special order.

(3) Special orders once established shall continue to be special orders, and when laid over under the rules shall be special orders on their proper calendar, unless otherwise ordered by the senate. Subsequent special orders shall be considered in their chronological order and their priority over regular orders on the calendars shall remain.

(4) With the prior consent of the majority leader and the minority leader and upon the motion by one of them under any order of business at any time, any member may be granted the floor for the purpose of introducing former members, state officers and other persons of unusual achievement as guests of the senate. The member making the introduction shall submit in writing to the chief clerk the names of the guests so introduced.

[(1) r.cr. 1981 S.Res. 2]

[(1)(o) am., (1)(p) cr. 1987 S.Res. 2]

[(1)(o) am. 1989 S.Res. 3]

[(2) am. 1987 S.Res. 3, 1993 S.Res. 3]

[(1)(o) am. 1995 S.Res. 2]

**SENATE RULE 18. Daily calendar.** (1) All bills, resolutions, appointments or other business, referred to a committee and reported by it to the senate or withdrawn from it by the senate, all proposals or amendments received from the assembly for senate concurrence, and all reports from conference committees and veto messages received by the senate, shall be placed in the committee on senate organization. Any such business deposited with the chief clerk on a day when the senate does not meet may be placed in the committee on senate organization immediately to permit that committee to schedule such business as expeditiously as possible, but shall be formally received by the senate on its next meeting day. The committee on senate organization shall establish a calendar, grouping together bills, resolutions, appointments or other business according to similar subjects and in an appropriate order, and in such numbers as to constitute a workable and up-to-date calendar schedule. The committee on senate organization shall place a bill,

resolution, appointment or other business on the calendar when directed to do so by a majority vote of the senate.

(2) The sergeant at arms shall distribute a copy of the calendar to all members before the calendar is acted upon. The committee on senate organization shall provide at least 18 hours' notice of other matters to be taken up on the next session day, but the distributed calendar shall not be changed within such 18-hour period.

(3) Except as provided in sub. (2), the distributed calendar shall show the business scheduled to be taken up on the current day, organized according to the orders of business established by rule 17 (1). For proposals on 2nd reading, the calendar shall show all pending committee reports.

(4) Unless otherwise ordered, after completion of the 9th order of business of the current calendar day, and prior to consideration of the 10th and succeeding orders, unfinished calendars shall be taken up and completed.

(5) Every bill or resolution ordered engrossed and read a 3rd time, unless otherwise ordered by the senate, shall be taken up under the 13th order of business on the senate's next business day.

[(1) and (2) am. 1987 S.Res. 2, 1993 S.Res. 3]

[(2) and (3) am. 1995 S.Res. 2]

**SENATE RULE 19. Committee of the whole.** During the consideration of any bill, resolution or other matter, the senate may, on motion, which motion shall be debatable, resolve itself into a committee of the whole for the consideration of such bill, resolution or such other matter. The rules of the senate shall govern, as far as practicable, the proceedings in committee of the whole, except that a member may speak more than twice on the same subject, and that a call for the ayes and noes or for the previous question cannot be made in the committee, nor shall the committee have the power to recess, nor to postpone to a future time a subject before it for consideration. The committee shall elect one of its members as chairperson of the committee of the whole.

**SENATE RULE 20. Standing committees of senate.** (1) (a) Except as provided in par. (b), the members of the committee on senate organization are:

1. The majority leader as chairperson.
2. The president.
3. The assistant majority leader.
4. The minority leader.
5. The assistant minority leader.

(b) If the 2 major political parties are represented in the senate by equal membership, the members of the committee on senate organization are:

1. The president of the senate.
2. The former majority and minority leaders and former majority and minority assistant leaders.
3. The former minority caucus chairperson.

(c) The other standing committees of the senate shall be created by the committee on senate organization as near to the commencement of the session as possible.

(2) (a) The chairperson of the committee on senate organization, as near to the commencement of the session as possible, shall make and report to the senate all committee appointments of members of the majority and minority parties. The chairperson of the committee on senate organization shall designate a chairperson for each senate committee and joint committee.

(b) With regard to members of any minority party, the appointments shall be based on nominations by the leader of that party.

(c) The majority and minority parties of the senate shall be represented on all senate standing committees and on all joint standing committees on the basis prescribed by the chairperson of the committee on senate organization, but at least in proportion to the representation of the 2 major political parties in the membership of the senate unless, for the senate membership of a joint committee, such proportional representation places the senate majority party in a minority position on the joint committee.

(3) (a) The members of the senate committee for review of administrative rules shall be the senate members of the statutory joint committee for review of administrative rules.

(b) When the joint committee for review of administrative rules fails to report a proposal referred to it by the senate, such proposal may be referred to the senate by the senate committee for review of administrative rules.

(4) (a) The members of the senate committee on finance shall be the senate members of the joint committee on finance.

(b) When the joint committee on finance fails to report a proposal referred to it by the senate, such proposal may be returned to the senate by the senate committee on finance.

(5) Each member shall serve on at least one senate standing committee.

(6) In case senate seats are vacant assignments to standing committees may be reserved for the senators who are to fill such vacancies, or current members may be designated to fill such vacant assignments temporarily in addition to their regular standing committee assignments until the new senators have been elected and qualified.

(7) Whenever any member of the committee on senate organization is disabled and unable to serve, the senate may select a temporary replacement from among those senators of the same party affiliation. The replacement shall terminate upon the return of the disabled member.

[(1)(a) am., (1)(c) cr. 1993 S.Res. 2]

[(1)(a),(c) (d) am., (1)(b) cr., (1)(e) r.cr. 1993 S.Res. 3]

[(2) am. 1979 S.Res. 3, 4; 1981 S.Res. 2, 19, 27;

1983 S.Res. 4, 9, 11, 13; 1985 S.Res. 2, 6; 1987

S.Res. 2, 6; 1989, 1991, 1993 S.Res. 2; 1993 S.Res. 3]

[(3)(a) and (4)(a) am. 1993 S.Res. 3]

[(7) cr. 1979 S.Res. 4; am. 1987 S.Res. 2, 1993 S.Res. 3]

[(1) and (2) rc. 1995 S.Res. 2]

**SENATE RULE 21. Special committees.** All special committees shall be provided for on motion or by resolution, designating the number and object, and unless otherwise ordered,

shall be appointed by the chairperson of the committee on senate organization. The member first named shall act as chairperson of such special committee.

[am. 1995 S.Res. 2]

**SENATE RULE 22. Gubernatorial nominations for appointment.** (1) Whenever the governor submits to the senate a nomination for an appointment as required by law, the presiding officer shall refer the nomination to that standing committee which the presiding officer deems to be the most appropriate committee to pass upon the qualifications of the candidate. Said committee shall report its findings and recommendations to the senate in writing. Nominations by the governor may be considered, and the persons so nominated may with the advice and consent of the senate be appointed, in special as well as in regular sessions.

(2) On the question of the confirmation of appointments by the governor, the vote shall be taken by ayes and noes which shall be entered upon the journal. The question of the confirmation of such appointments shall not be subject to a motion for reconsideration under rule 67, and the senate may, but shall not be required to, act upon an appointment resubmitted by the governor when the identical appointment has once been refused confirmation by the senate. The chief clerk shall record the cumulative status of all appointments in the bulletin of proceedings.

[(2) am. 1995 S.Res. 2]

**SENATE RULE 23. Committee not to be absent.** Members of a committee, except a conference committee, shall not absent themselves by reason of their appointment during the sitting of the senate, without special leave.

**SENATE RULE 24. Committee quorum; subcommittees.** A majority of any committee shall constitute a quorum for the transaction of business. Solely for the purpose of determining a quorum of a committee necessary to hold a public hearing, a member who is connected to the hearing by means of a 2-way, audiovisual transmission shall be considered present. Subcommittees may be appointed to take charge of any part of the committee's business and to report to the committee. Motions to reconsider may be made in committee, before the papers are reported to the senate. Rereference shall give the committee full power to act without reconsidering its former action.

[am. 1997 S.Res.2]

**SENATE RULE 25. Business in committees; notice of meeting.** (1) Any chairperson who determines to hold a hearing shall schedule the hearing as early in the session as practicable. The day, hour, and place of hearing before any committee shall be posted on the bulletin board of each house, and such notice shall state the number, author, and relating clause of the bill or resolution to be considered. Whenever a scheduled hearing is canceled, the chairperson shall immediately notify the chief clerk and post cancellation notices on the bulletin boards of each house.

(2) Whenever a bill, resolution or other matter has been referred to committee, such bill, resolution or other matter shall be within the sole jurisdiction of the majority of the committee and no directive by the senate with respect to the committee's action thereon shall be in order other than a motion to withdraw from such committee.

[(1) am. 1995 S.Res. 2]

**SENATE RULE 26. Schedule of committee activities.** (1) On or before Monday noon of each week the chairperson of each senate committee shall file with the chief clerk a list of

the public hearings on measures before that committee which will be held during the following week. Such list shall be reproduced in full in the weekly schedule of committee activities. The chairperson of any senate committee may file notice of hearing on or before Monday noon of the 2nd week prior to the week in which the public hearing is scheduled so as to post advance notice of the hearing.

(2) Notwithstanding sub. (1), the cochairpersons of the joint committee on finance may announce that the committee will hold a public hearing on appropriate portions of the executive budget bill during the week following the governor's budget message.

[(1) am. 1995 S.Res. 2]

**SENATE RULE 27. Committee reports.** (1) The chairperson of the committee to which any bill is referred shall report in concise form the action of the committee and the date thereof, and shall authenticate the same by personal signature, e.g.:

The committee on ..... reports and recommends:

Senate Bill 24

AN ACT (relating clause)

Passage: Ayes (3), Senators ..... ; Noes (1), Senator ..... ; Absent or not voting (1), Senator .....

Senate Bill 26

AN ACT (relating clause)

Adoption of Senate Amendment 1: Ayes (5), Senators ..... ; Noes (0); Absent or not voting (0).

Passage as amended: Ayes (4), Senators ..... ; Noes (1), Senator ..... ; Absent or not voting (0).

Senate Bill 28

AN ACT (relating clause)

Adoption of Senate Substitute Amendment 1: Ayes (3), Senators ..... ; Noes (2), Senators ..... ; Absent or not voting (0).

Passage as amended: Ayes (2), Senators ..... ; Noes (2), Senators ..... ; Absent or not voting (1), Senator ..... . Reported without recommendation.

Senate Bill 30

AN ACT (relating clause)

Indefinite postponement: Ayes (5), Senators ..... ; Noes (0); Absent or not voting (0).

Senate Bill ..... (LRB- ..... / .....

AN ACT (relating clause)

Introduction: Ayes (4), Senators ..... ; Noes (1), Senator ..... ; Absent or not voting (0).

Assembly Bill 32

AN ACT (relating clause)

Concurrence: Ayes (4), Senators ..... , ..... , ..... , ..... ; Noes (0); Absent or not voting (1), Senator .....

Assembly Bill 34

AN ACT (relating clause)

Nonconcurrence: Ayes (3), Senators ..... , ..... , ..... ; Noes (0); Absent or not voting (2), Senators ..... and .....

..... Chairperson

(2) Each committee to which a proposed administrative rule is referred under rule 4 (10) shall submit a report within the review period specified in section 227.19 (4) (b) of the statutes in the form specified in this rule, authenticated by the personal signature of the chairperson or cochairpersons. Whenever a committee schedules a public hearing or a meeting with an agency representative concerning a proposed rule, or whenever modifications to a proposed rule are agreed to be made or received, the committee shall submit an interim report. The form of the report shall be as follows:

(a) For standing committees:

The committee on ..... reports [and recommends]:

Clearinghouse Order 81-1 A PROPOSED ORDER of the .... (name of agency) relating to rules concerning ....

PUBLIC HEARING SCHEDULED

(list date, time and place of public hearing)

Clearinghouse Order 81-2 A PROPOSED ORDER of the .... (name of agency) relating to rules concerning ....

MEETING WITH AGENCY REPRESENTATIVE SCHEDULED

(list date, time and place of meeting)

Clearinghouse Order 81-3 A PROPOSED ORDER of the .... (name of agency) relating to rules concerning ....

MODIFICATIONS TO BE MADE BY AGENCY

Clearinghouse Order 81-4 A PROPOSED ORDER of the .... (name of agency) relating to rules concerning ....

MODIFICATIONS RECEIVED FROM AGENCY

Clearinghouse Order 81-5 A PROPOSED ORDER of the .... (name of agency) relating to rules concerning ....

NO ACTION TAKEN

Clearinghouse Order 81-6 A PROPOSED ORDER of the .... (name of agency) relating to rules concerning ....

OBJECTION: AYES 5, NOES 1, ABSENT 0

Ayes: (5) Senators ....., ....., ....., ....., .....

Noes: (1) Senator ....

Absent: (0) None

Clearinghouse Order 81-7 A PROPOSED ORDER of the .... (name of agency) relating to rules concerning ....

NO OBJECTION: AYES 5, NOES 1, ABSENT 0

Ayes: (5) Senators ....., ....., ....., ....., .....

Noes: (1) Senator ....

Absent: (0) None

.....

Chairperson

(b) For the joint committee for review of administrative rules:

The joint committee for review of administrative rules reports [and recommends]:

Clearinghouse Order 81-8 A PROPOSED ORDER of the .... (name of agency) relating to rules concerning ....

OBJECTION: AYES 9, NOES 1, ABSENT 0

Ayes: (9) Senators ....., ....., ....., ....., .....

Representatives ....., ....., ....., .....

Noes: (1) Representative .....

Absent: (0) None

Clearinghouse Order 81-9 A PROPOSED ORDER of the .... (name of agency) relating to rules concerning ....

NONCONCURRENCE IN OBJECTION: AYES 9, NOES 1, ABSENT 0

Ayes: (9) Senators ....., ....., ....., ....., .....

Representatives ....., ....., ....., .....

Noes: (1) Representative .....

Absent: (0) None



.....  
.....

Cochairpersons

(3) Any amendment or substitute amendment, recommended by the committee for rejection, shall not be reported to the senate. Any such amendment may, upon motion and a majority vote, be revived while the proposal is still in the amendable stage.

(4) (a) A committee may report out a bill, resolution or appointment without recommendation only if the vote is tied. The committee report shall indicate the actual numerical vote on the motion on which the recommendation is based.

(b) Notwithstanding paragraph (a), the chief clerk shall record in the journal that a bill is reported without recommendation whenever the bill is withdrawn from committee under rule 41 (1) (d).

(5) Whenever a bill or resolution is reported by or withdrawn from committee, all amendments or substitute amendments to the proposal shall remain in the jacket envelope regardless of the committee's action thereon.

(6) The chief clerk shall file one copy of each report of a standing committee concerning a proposed administrative rule under subsection (2) with the head of the agency proposing the rule, the chief clerk of the assembly and the cochairpersons of the joint committee for review of administrative rules.

[(2), (4)(b) and (6) cr., (3), (4)(a) and (5) rn., 1981 S.Res. 2]

**SENATE RULE 28. Minority reports.** Any member or members dissenting from a report of a committee may make a separate report stating the reasons and conclusions; and all reports, if decorous in language and respectful to the senate, shall be entered at length on the journal. Such minority report, if any, shall be filed on the same or the next legislative day as the majority report or recommendation.

**Chapter 4:  
BILLS, RESOLUTIONS, ETC. - PROCEDURE**

**SENATE RULE 29. Copies of bills and resolutions.** Copies of all bills and resolutions to be introduced shall be presented by the primary author to the chief clerk, enclosed in a jacket envelope as provided in rule 30.

[am. 1991 S.Res. 2]  
[am. 1995 S.Res. 2]

**SENATE RULE 30. Filing of bills, etc.** (1) The legislative reference bureau shall provide jacket envelopes of a suitable size to hold any bill or resolution and the papers pertaining thereto, respectively, without folding or rolling. The clerk shall not file any paper for any purpose, the cover of which has been either folded or rolled. Such jacket envelopes shall be distinguished from those of the assembly by color.

(2) The legislative reference bureau shall enter the relating clause and drafting number of the bill or resolution on the envelope, and the clerk shall enter the number, the date of

introduction, the name of the member or committee introducing it and the committee of reference in the history file for the measure. Only those documents specified by the chief clerk shall be placed in the envelope.

(3) The chief clerk shall also enter in the history file for the measure:

(a) The actual date of each public hearing on the measure.

(b) All motions and the disposition thereof.

(c) The date, and the resolution number (if any) of a request for an opinion of the attorney general on the proposal and the date on which such opinion was returned.

(d) The reproduction of a measure with all adopted amendments engrossed therein.

(e) Any clerical correction of the measure made as authorized by rule 31.

[(1) am. 1991 S.Res. 2]

[(1), (2), (3) (intro.) and (d) am. 1995 S.Res. 2]

**SENATE RULE 31. Clerical corrections to bills.** (1) Minor clerical errors in any bill or resolution, such as errors in orthography or grammar, or the use of one word for another as "affect" for "effect", wrong numberings or references, whether such errors occur in the original bill or in any amendment thereto, shall be corrected by the chief clerk.

(2) The chief clerk shall insert the enacting or usual enabling clause in any bill before its passage if the same shall have been omitted. When necessary, the chief clerk shall correct the title of any bill so that the title will show the sections affected, the subject to which the bill relates, and the making of an appropriation, if such is made by the bill.

(3) The chief clerk shall enter any corrections made by the clerk under this rule in the journal.

(4) The current edition of Webster's New International Dictionary shall be the standard.

[(3) am. 1995 S.Res. 2]

**SENATE RULE 32. Reference to bills, resolutions, etc.** (1) When first considered and thereafter each time that a proposal is considered after business relating to another subject has intervened, it shall be identified in the journal by number and relating clause. Thereafter all reference to any bill, resolution, joint resolution or petition either in the journal, or messages shall be by number only, excepting in the journal where the ayes and noes are entered. The chief clerk shall read the relating clauses except where the senate directs otherwise, except that in messages of approval of bills by the governor the chief clerk shall read the bill number only unless a member requests the relating clause to be read.

(2) No later than one-half hour following the adjournment of each day's session, members may submit to the chief clerk in writing a listing of visitors from their districts who witnessed a part of such day's session. Such list, together with the record of the guests introduced on that day under rule 17 (4), shall be entered at the end of the day's journal.

[(1) and (2) am. 1995 S.Res. 2]

**SENATE RULE 33. Introduction of new proposals; admissibility of identical proposals; admissibility of resolutions in special session.** (1) Any member may

introduce new proposals in accordance with rule 46 (1). Prior to offering a new proposal to the senate, the member shall cause the legislative reference bureau to prepare the proposal in the proper form, and with the requisite number of copies for introduction. No proposal shall be received for introduction if it contains handwritten changes in the copies prepared by the legislative reference bureau.

(2) No bill or resolution identical with one already rejected shall be introduced, but this rule shall not bar the consideration of an assembly bill or joint resolution on the ground of its being identical with a senate bill or resolution previously rejected by the senate, nor shall any bill or resolution be barred on the grounds of repealing a former act of the same session.

(3) Resolutions offering commendations, congratulations or condolences, memorializing congress or an individual or affecting senate or legislative rules or procedures are declared not to be within the meaning of the term "business" under the constitutional provision limiting the matters to be considered during special sessions to such as are enumerated in the governor's call for a special session.

[(3) am. 1995 S.Res. 2]

**SENATE RULE 34. Proposals to be on file one day before action.** (1) All bills and joint resolutions, and all resolutions except those privileged for immediate consideration under rule 69, shall, after being distributed, lay over one day before being considered.

(2) The requirement for a one-day layover shall not apply to amendments, but copies of the full text of each amendment shall be distributed to the members before adoption of the amendment.

(3) Reading at length shall be required for resolutions privileged under rule 69 and for any governor's veto message unless copies of the full text of such documents have been distributed to the members.

(4) Any proposal for a certificate under joint rule 7 shall, when received by the senate and whether originating in this house or in the assembly, be laid aside to allow time to the committee on senate organization to examine the proposal for its appropriateness under joint rule 7 (1) and (2). Upon approval by the committee on senate organization and verbal notification thereof to the chief clerk, such proposals shall then be deemed approved by the senate and shall be so recorded in the journal. A written committee report is not necessary.

[(1), (2) and (3) am. 1995 S.Res. 2]

**SENATE RULE 35. Three separate readings.** Every bill, and every joint resolution proposing an amendment to the constitution, shall receive 3 separate readings by relating clause previous to its passage except where otherwise provided but shall not receive 2 readings on the same day.

[am. 1995 S.Res. 2]

**SENATE RULE 36. First reading; reference to committee.** (1) On the first reading, every bill requiring 3 readings under rule 35 and all other resolutions not privileged by rule 69 shall be referred to the appropriate committee. The appropriate committee shall be determined by the presiding officer under rule 46 and shall be announced by the chief clerk under the proper order of business unless the senate, on motion, makes a different order in relation thereto; and this rule shall apply as well to bills and resolutions originating in either house.

(2) (a) All bills introduced in the senate which by any provision of statute require reference to a particular committee shall be so referred upon first reading and all assembly bills when received from the assembly shall be so referred upon first reading except where the assembly record on such bill discloses that such statutory requirement has been satisfied by reference to such committee in the assembly.

(b) Only one such reference shall be required under this rule and the adoption of an amendment shall not require rereference, but such rereference may be ordered by the senate at any time prior to passage or concurrence.

(c) Notwithstanding par. (a), the presiding officer may refer any bill which pertains only incidentally to a matter of concern to a joint survey committee directly to the committee appropriate to the major substance of that bill, and in that case shall direct the appropriate joint survey committee to prepare its report on the bill while that bill is in the possession of the other committee. This rule does not suspend the requirement that the report of the appropriate joint survey committee must be received before the bill is given its 2nd reading.

(3) Whenever a bill, resolution or other matter has been referred to a special committee and such special committee makes its report thereon, it shall have the same effect as a report by a standing committee and reference to a standing committee shall not be required by this rule, except that bills referred to a statutory joint survey committee shall, upon report by that committee, be referred by the presiding officer to the appropriate standing committee of the senate.

[(2) (c) cr. 1981 S.Res. 22]

**SENATE RULE 37. Second reading; ordering to a 3rd reading.** (1) Before a bill, or a joint resolution proposing an amendment to the constitution, is amended or ordered to a 3rd reading it shall be read a 2nd time.

(2) All amendments to the bill shall be retained in the original bill jacket.

(3) Amendments to a substitute already adopted shall be in order prior to the bill or resolution being ordered engrossed and read a 3rd time without reconsideration of the adoption of the substitute.

**SENATE RULE 38. Third reading; question.** (1) Upon the 3rd reading of the bill the question shall be stated thus: "This bill having been read 3 separate times, the question is, "Shall the bill pass' or "Shall the bill be concurred in'," as the case may be, or other appropriate language may be used. A bill or resolution on calendar for 3rd reading shall not be subject to amendment but it may, on motion or by unanimous consent be referred back to 2nd reading for the consideration of proposed amendments. Such a motion requires a majority vote and is debatable.

(2) The position of a bill or resolution on the calendar for 3rd reading shall be subject to removal from such position if such removal is necessitated by a motion for reconsideration pending or decided under rule 67, but if such motion is negatively decided prior to the bill or resolution being reached for consideration under that order, the position of the bill or resolution under such order shall remain unchanged.

**SENATE RULE 39. Minimum affirmative vote and special quorum.** On the question on bills and resolutions ready for a 3rd reading in cases where a minimum affirmative vote

or special quorum is required by constitution, statutes, rules or otherwise, and when there are permanent vacancies in the senate, the membership presently serving shall be the basis for determining such minimum affirmative vote or special quorum.

**SENATE RULE 40. Bill amended on 3rd reading to be reengrossed.** If a senate bill or resolution ordered engrossed and read a 3rd time is amended or otherwise changed it shall be reengrossed before being read a 3rd time. Any senate bill or resolution which passed the senate with amendments shall be engrossed under the supervision of the chief clerk before being messaged to the assembly; provided, that if the amendment is an unamended substitute, the original substitute shall be the bill.

**SENATE RULE 41. Rereference in order; withdrawing from committee.** (1) (a) Any bill, resolution or other matter may be rereferred at any time previous to its passage, except that in no case shall a motion to withdraw from committee take effect prior to a committee hearing if such has been scheduled when the motion to withdraw is made during the week in which the bill, resolution or other matter is scheduled for a public hearing.

(b) A motion to rerefer or withdraw shall be in order, but the question shall be divisible, and the senate having once refused to rerefer or withdraw a bill, resolution or other matter from committee, any subsequent motion to rerefer or withdraw shall require a suspension of the rules.

(c) A motion to withdraw a matter from the committee on senate organization shall, if approved, place the matter on the calendar. A motion to withdraw a matter from any other committee shall, if approved, place the matter in the committee on senate organization unless the senate rerefers the matter to a different committee.

(d) Whenever a bill is introduced in the senate or assembly under section 227.19(5)(e) or 227.26(2)(f) of the statutes, the bill shall be considered reported without recommendation and shall be placed before the committee on senate organization if no report is received from the standing committee within 30 days of the date of referral. This paragraph does not apply if the bill is introduced within 30 days of the time at which no further proposals may be introduced in the regular session under joint rule 83(2).

(e) During any interim period between regularly scheduled floorperiods, if the committee on senate organization receives a standing committee's report on a bill that by statute requires review by the joint committee on finance before being passed, the committee on senate organization may, on any day of the interim, rerefer that bill to the joint committee on finance and, in that case, shall direct the chief clerk to record the rereferral by an appropriate entry in the journal.

(2) In no case shall reference to committee be in order after a bill or resolution has been passed or indefinitely postponed or finally disposed of by any action equivalent thereto. Questions of reconsideration, concurrence in amendments of the other house or executive vetoes may be placed on the table but shall in no case be referred to any committee.

(3) The legislative council shall not be deemed to be a legislative committee within the meaning of this rule and reference of bills or resolutions thereto for recommendation as in the case of standing or special committees shall not be in order.

[(1)(d) cr. 1981 S.Res. 2]

[(1)(c) and (d) am. 1987 S.Res. 2, 1993 S.Res. 3]

[(1)(e) cr. 1997 S.Res. 2]

**SENATE RULE 42. Messaging to the assembly; proposals held during reconsideration period.** (1) Every bill or joint resolution upon which such action has been taken that it is next to be messaged to the assembly shall be so messaged by the chief clerk but shall be held in the chief clerk's office until the time for reconsideration of such bill or joint resolution has expired. If the rules have been suspended for immediate messaging, the chief clerk shall enter such action in the history file for the bill or joint resolution. Every privileged joint resolution shall be messaged immediately unless it is otherwise ordered by the senate.

(2) A bill or joint resolution which has been ordered immediately messaged to the assembly by the suspension of this rule shall be subject to further action by the senate as long as such bill or joint resolution is in actual possession of the senate, such further action, however, being contingent upon a motion to rescind the action of ordering its immediate messaging being decided by a two-thirds vote.

[(1) am. 1995 S.Res. 2]

**SENATE RULE 43. Enrolling bills and resolutions.** Promptly after a senate bill has passed both houses, and before it is presented to the governor for approval, the chief clerk shall deliver the jacket to the legislative reference bureau which shall enroll the bill, prepare the requisite number of copies, and return the jacket and copies to the chief clerk, who shall record it correctly enrolled in the journal stating the day it was presented to the governor. As far as applicable, the same procedure shall be followed in the case of senate resolutions requiring enrolling.

**SENATE RULE 44. Signing of documents.** The original of all enrolled acts and resolutions and all writs, warrants and subpoenas issued by order of the senate shall be signed by the presiding officer, and attested by the chief clerk.

[am. 1995 S.Res. 2]

**SENATE RULE 45. Offering of privileged resolution.** Any resolution privileged by rule 69 shall, when sent to the clerk's desk, be read at length by the chief clerk, but may be read by its relating clause if copies of the text have been distributed to the members. When so read, the privileged resolution shall be considered to be before the senate.

[am. 1995 S.Res. 2]

**SENATE RULE 46. Presentation of bills, resolutions, petitions, etc.** (1) Bills, resolutions, amendments, petitions, reports, communications or other documents that may properly come before the senate shall be presented by a member thereof to the chief clerk, or a staff member designated by the chief clerk, at anytime. A brief statement of the contents thereof shall appear thereon, together with the name of the members introducing the same. If a document is to be reproduced, the chief clerk shall number the document.

(2) (a) The chief clerk shall advise the presiding officer of documents which must be referred under the rules and the presiding officer shall promptly determine the appropriate committee of reference for such documents so that they can be read and referred by the chief clerk upon reaching the appropriate order of business.

(b) Within 3 working days of the time of initial referral by the president under rule 4 (10), a proposed rule may, with consent of the chair, be withdrawn from the standing committee to which it is referred and rereferred to another standing committee. Such action does not extend the standing committee review period. Rereferral may be made during any floorperiod or committee work period.

(c) Within 5 working days of the time of initial referral by the president under rule 36(2), any bill, joint resolution, resolution or appointment may, with consent of the chair, be withdrawn from the standing committee to which it is referred and rereferred to another standing committee. Rereferral under this rule may be made during any committee work period, but may not be used to satisfy section 13.093 (1) of the statutes.

(4) Unless otherwise ordered, petitions shall be read by title only and referred to the appropriate committee.

(5) A proposed amendment that is offered shall have a heading stating the number of the bill, joint resolution or resolution it is proposed to amend and the name of the member proposing the amendment. The chief clerk shall read the number of the amendment. The amendment shall be reproduced. The jacket copy of the amendment shall be placed in the jacket and copies shall be distributed as provided by the rules. Amendments filed shall be recorded at the end of each day's journal.

[(2)(b) cr. 1981 S.Res. 2]

[(2)(c) cr. 1989 S.Res. 3]

[(1) and (5) am. 1995 S.Res. 2]

### Chapter 5: AMENDMENTS - FORM AND PROCEDURE

**SENATE RULE 47. When amendments may be considered.** (1) Consideration of simple amendments or of substitute amendments shall be in order only upon the second reading of the bill or resolution and if in compliance with rule 34.

(2) Whenever a joint resolution proposing an amendment to the constitution is placed on the calendar under rule 18 it shall be placed under the proper "2nd reading" order of business.

(3) Any senate resolution or joint resolution which does not propose an amendment to the constitution may be referred directly to the committee on senate organization. When placed on the calendar under rule 18 such resolutions shall be placed under the proper "2nd reading" order of business and, upon reading, the question shall be directly upon adoption or concurrence.

(4) During consideration of amendments when both simple amendments and substitute amendments to a proposal are pending, the question shall in ascending numerical order be first upon amendments to the substitute amendment of the lowest number, and then upon that substitute amendment, unless the senate by majority vote otherwise orders.

(5) In no case shall amendment be in order upon consideration of an executive veto.

[(3) am. 1987 S.Res. 2, 1993 S.Res. 3]

**SENATE RULE 48. Reading of amendments.** The full text of each amendment shall be read to the members by the chief clerk, and the number of each amendment shall be stated by the president, but the reading at length shall not occur for amendments which have been distributed to the members.

[am. 1995 S.Res. 2]

**SENATE RULE 49. Offering amendments.** Amendments shall be numbered in the order received, and shall bear the name of the member or the committee offering the same.

Amendments shall be prepared in proper form by the legislative reference bureau, and shall be offered in compliance with rule 29; except that when the proposal is debated on 2nd reading, amendments may be offered from the floor. The chief clerk shall have amendments offered from the floor drawn in proper form as soon as possible and before the bill is subsequently engrossed, delivered to a committee or to the assembly. This provision does not delay action upon any amendment offered from the floor.

**SENATE RULE 50. Amendments must be germane, general statement.** (1) No standing committee shall report any substitute or amendment for any proposal originating in either house referred to such committee nor shall the senate consider any substitute or amendment which relates to a different subject, is intended to accomplish a different purpose or would totally alter the nature of the original proposal.

(2) Any substitute or amendment so reported shall be rejected whenever prior to its adoption the senate is advised that the same is in violation of this rule, and the president shall rule on the admissibility of such substitute or amendment when the question is raised.

(3) The senate may consider the germaneness of senate substitutes and amendments only, and only when such substitute or amendment is before the senate.

(4) An amendment to an amendment must be germane to the amendment as well as to the original proposal.

(5) An amendment repealing a section amended by the original proposal or amending a section repealed by the original proposal except to change the effective date, or striking out all new material in the original proposal is not germane but an amendment restoring a proposal to its original form or an amendment adding new statutory material on the same subject and with the same purpose to a proposal amending or restoring material stricken by a previous amendment is germane.

(6) An amendment otherwise germane which adds or repeals material previously adopted or rejected by the senate in another bill is germane. An identical amendment or an amendment identical in effect to one previously rejected as another amendment to the same bill or identical with a proposal currently before the senate is not germane, but such amendments are germane if not identical with prior rejected amendments to the same bill or proposals currently before the senate.

(7) A substitute or amendment relating to a specific subject or to a general class is not germane to a bill relating to a different specific subject, but an amendment limiting the scope of the proposal is germane.

(8) Amendments proposing methods of raising revenues are germane to appropriation measures and amendments proposing appropriations are germane to revenue measures. Amendments adding appropriation measures necessary to fulfill the original intent of a proposal are germane.

(9) Amendments relating only to detail are germane. The use of a different committee to make an investigation, limitations on the effective date, the number of members on a board, or new material added which does not affect the subject or purpose are matters of detail and are germane.

(10) Amendments to a revision bill are germane, but amendments to a revisor's correction bill are germane only if they make corrections and do not add new substantive material.



(11) An amendment to a joint resolution approving an amendment to the federal constitution is not in order.

[(1) am. 1995 S.Res. 2]

[(1) am. 1997 S.Res. 2]

**SENATE RULE 51. Amendment in the 3rd degree prohibited.** In order to prevent confusion, amendments beyond the degree of an amendment to an amendment to the main proposition are prohibited. For the purposes of this rule any substitute amendment, and any assembly amendment to a senate proposal or amendment, shall be considered as a main proposition.

**SENATE RULE 52. Motions to be germane; how bills may not be amended.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the senate.

**SENATE RULE 53. Committee amendments; speaking on amendment.** Amendments reported by committees shall be acted upon by the senate in the same manner as though offered from the floor. On an amendment being offered, a member who has spoken on the main question may speak again on the amendment.

**SENATE RULE 55. Order of action.** If adverse action is recommended by a committee, that question shall be first put. However, the senate may direct the consideration of amendments but adoption of amendments shall not change the question.

### **Chapter 6: GENERAL PROCEDURE - ORDER IN DEBATE**

**SENATE RULE 56. Recognition; debate.** Members who are about to speak in debate or deliver any matter to the senate shall rise in their places and respectfully address the chair, and upon being recognized, shall proceed, confining themselves to the question under debate, avoiding personalities. Members may read briefly from printed material unless there is objection.

**SENATE RULE 57. President to name first speaker.** When any 2 or more members rise at the same time, the president shall name the person who is to speak first.

**SENATE RULE 58. Member out of order.** Any member called to order shall sit down, and shall not speak, except in explanation, until it shall have been determined whether or not the member was in order. When a member is called to order for words spoken, the exceptional words shall be taken down in writing to better enable the president to judge whether they are in violation of the rules.

**SENATE RULE 59. How members may speak.** Members shall not speak except from their assigned places, and not more than twice on a question, except on leave of the senate. And if a question pending be lost by adjournment and revived on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted again to speak without leave of the senate.

**SENATE RULE 60. Personal privilege.** Members may rise to explain matters personal to themselves by leave of the president, but shall not discuss pending questions in such

explanations. Questions of personal privilege shall be limited to questions affecting the rights, reputation, and conduct of the members in their representative capacities. A member's right to speak on a point of personal privilege shall have precedence over all other questions except a motion to adjourn or a motion to raise a call.

**SENATE RULE 61. Special privilege.** Any member desiring to make a personal explanation on a matter other than one of personal privilege may rise and, by leave of the president, and within such limitation of time as the president or senate may determine, discuss any subject relative to state or local government, public welfare, conduct of public officials in relation to their official duties, as well as matters pertaining to the rights of the senate collectively, its safety, dignity, and the integrity of its proceedings. A member shall not be granted the right to speak on a point of special privilege while any matter is pending or under discussion before the senate.

**SENATE RULE 62. Stating motions.** When a motion is made, it shall be stated by the president or read by the chief clerk, previous to debate. If any member requires it, all motions, except to adjourn, postpone or refer, shall be reduced to writing. Except as provided in rule 67, any motion may be withdrawn by consent of the senate.

**SENATE RULE 63. Motions in order during debate.** (1) When a question is under debate, no motion shall be received except:

(a) To adjourn (not debatable or amendable, member must have floor to make motion, *see* rules 64 and 68).

(b) To adjourn to a fixed time (not debatable; amendable only as to time, *see* rules 64 and 68).

(c) To raise a call (not debatable or amendable, carried by majority vote of the members present, *see* rules 68 and 85 (5)).

(d) Personal privilege (not debatable, subject to time limit imposed by president, *see* rule 60).

(e) To recess (debatable only as to length of recess, *see* rules 64 and 68).

(f) To lay on table (not debatable, returns matter to committee on senate organization, *see* rules 18, 65 and 68).

(g) For the previous question (not debatable but amendable to establish time limit for debate, *see* rules 68 and 77).

(h) For the current question (not debatable but amendable to establish time limit for debate, *see* rules 68 and 77).

(i) To postpone to a day certain (debatable, may not be renewed on same day unless matter has advanced to subsequent stage or has been changed by amendment, *see* rule 66).

(j) To refer to a standing committee (debatable, in order at any time prior to passage, *see* rule 41).

(k) To refer to a special committee (debatable, in order at any time prior to passage, *see* rule 41).

(m) To postpone indefinitely, to reject or to nonconcur, as applicable (debatable, takes precedence over corresponding motion to approve, *see* rule 55).

(n) To amend (debatable, must be germane, *see* rules 50 and 53).

(2) These several motions shall have precedence in the order in which they stand arranged in this rule.

[(1)(m), (n) rn. 1981 S.Res. 2]  
[(1)(f) am. 1987 S.Res. 2, 1993 S.Res. 3]

**SENATE RULE 64. Motion to adjourn always in order.** A motion to adjourn shall always be in order except when the senate is voting, but this rule shall not authorize any member to move an adjournment when another member has the floor, nor shall 2 consecutive motions to adjourn be in order unless other business intervenes. A motion to adjourn to a time certain or to recess shall have the same privilege as a motion to adjourn but such motions shall have the order of precedence prescribed in rule 63.

**SENATE RULE 65. Laying on table.** (1) A motion to lay on the table shall only have the effect of disposing of the matter temporarily and it may be taken from the table at any time by order of the senate.

(2) A motion to lay a bill or resolution on the table shall, if approved, have the effect of returning the matter to the committee on senate organization.

(3) A motion to remove a bill or resolution from the table shall, if approved, have the effect of withdrawing the matter from the committee on senate organization and placing it on the calendar.

[(2) and (3) am. 1987 S.Res. 2, 1993 S.Res. 3]

**SENATE RULE 66. Motion to postpone.** A motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall not be again allowed on the same day unless the matter shall have been altered by amendment or advanced to a subsequent stage. A 2nd motion to reject an amendment shall be subject to the provisions of this rule and shall not be twice allowed on the same day unless altered by amendment.

**SENATE RULE 67. Motion to reconsider.** (1) A motion to reconsider a question may be made by any member having the floor who voted with the majority, or whose position recorded under rule 75 agreed with the majority. In the case of a voice vote or tie vote, the motion for reconsideration may be offered by any member not recorded absent on the question which it is moved to reconsider. The motion for reconsideration shall be subject to all rules governing debate as apply to the question which it is moved to reconsider.

(2) On questions requiring by the constitution, statutes, rules or otherwise, a specified number of affirmative votes, the prevailing side shall be deemed to be the majority, but such minimum affirmative requirement shall not apply to the question of reconsideration.

(3) The motion for reconsideration shall be made on the same or the next succeeding legislative day and it shall be received under any order of business.

(4) A motion to reconsider shall be put immediately after pending business of higher precedence is disposed of unless it is laid over to a future time by a majority vote. A motion for reconsideration may be laid on the table without debate.

(5) After the time for receiving the motion has expired, a pending motion for reconsideration shall not be challenged on the ground that the member making such motion did not vote with the majority.

(6) A motion for reconsideration, when made on the same day as the action which it is moved to reconsider, and not acted upon due to adjournment, other than adjournment under call on the question, shall expire with adjournment, but if made on the following day shall not be lost by adjournment. A motion to reconsider amendments to a bill shall be in order notwithstanding the bill's advancement to a 3rd reading and a motion to reconsider such advancement shall be in order notwithstanding the suspension of the rules to take final action if such motions for reconsideration are otherwise timely and in order. Reconsideration of amendments under this rule shall have the same priority as to order of action as to amend under rule 63.

(7) Whenever a bill is returned from the assembly, the governor or elsewhere for further action pursuant to the senate's request for such return, motions for reconsideration necessarily incident to opening the bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule. Action on executive vetoes or appointments or any motion to suspend the rules shall in no case be subject to a motion for reconsideration.

(8) A motion for reconsideration, once entered, may only be withdrawn by the member making such motion, within the time when such motion by another member would still be timely; later only by consent of or action by the senate.

(9) The motion for reconsideration having been put and lost shall not be renewed but, if carried, subsequent motions for reconsideration of the same action shall be in order.

[(1) am. 1979 S.Res. 3]

**SENATE RULE 68. Questions to be decided without debate.** A motion to adjourn, to adjourn to a fixed time, to take a recess, to lay on the table, to take from the table, to place a call, to raise a call, to grant a leave, to suspend the rules, or to reconsider a nondebatable question or a call for the current or previous question, shall be decided without debate. And all incidental questions of order arising after a motion is made for any of the questions named in this rule, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

**SENATE RULE 69. Privileged motion or resolution.** Any motion or resolution relating to the organization or procedure of the senate, or to any of its officers, members or committees, shall be privileged in that it need not lie over for consideration but may be taken up immediately unless referred to calendar or committee.

**SENATE RULE 70. Division of question.** Any member may call for the division of a question, which shall be divided if it consists of propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the senate. A motion to delete and substitute shall be deemed indivisible, but a motion to delete being lost shall not preclude an amendment or a motion to delete and substitute. Division of action directly upon the substance of a bill or resolution, as to pass, advance to a 3rd reading, indefinitely postpone or any equivalent, which division may be accomplished by an amendment, shall not be permitted under this rule.

**SENATE RULE 71. Putting question.** All questions may be put in this form. "Those who are of the opinion that the bill pass, be concurred in, etc., (as the case may be) say, 'Aye'. Those of contrary opinion say, 'No';" or other appropriate words may be used.

**SENATE RULE 72. Ayes and noes.** (1) The ayes and noes may be ordered by the president for any vote and shall be ordered when demanded by one-sixth of the members present.

The chief clerk shall record the votes taken by ayes and noes, report the result, and enter the report in the journal together with the names of those absent or not voting.

(2) Members shall remain in their seats and shall not be disturbed by any other person while the ayes and noes are being called.

(3) A request for a roll call shall not be in order after the result of the vote has been announced.

**SENATE RULE 73. Every member to vote.** (1) All members present when a question is put shall vote as their names are called. For a special cause the senate may excuse a member from voting, but it shall not be in order for a member to be excused after the senate has commenced voting.

(2) In case the vote is by ayes and noes, a member entering the chamber after the question is put and before it is decided, may have the question stated and vote, such vote to be counted in the outcome.

**SENATE RULE 74. Explanation of vote not allowed.** Explanation by a member of his or her vote, at the time of the calling of the member's name, shall not be allowed.

**SENATE RULE 75. Recording position of absent member.** Any member absent from all or part of a day's session by leave of the senate under rule 16 or 23 may within one week after returning instruct the chief clerk in writing, on a form entitled "statement of position" to be provided by the chief clerk, to have the journal show that had the member been present when a certain vote was taken the member would on that issue have voted aye or have voted no. If the member returns before the vote is taken, such statement of position shall be void and the member shall cast his or her vote as required under rule 73.

### Chapter 7: LIMITING DEBATE

**SENATE RULE 76. Scheduling time limits for debate.** The committee on senate organization may, or the majority leader and the minority leader if that committee does not object may jointly, designate time limits and schedules for debate. The time limits may be rejected or modified by majority vote of the senate, but this question shall not be debatable. Such schedules and time limits shall be announced by the chair immediately upon being presented. Promptly at the expiration of the time allotted, the president shall put the question.

[am. 1987 S.Res. 2, 1989 S.Res. 3, 1993 S.Res. 3]

**SENATE RULE 77. Current or previous question; time limit on debate.** (1) When any matter is under consideration any member may move the "current question" or that the "current question be put". Such motion shall not be debatable and if carried by a majority the subsidiary question then pending before the senate shall be put without debate.

(2) A motion to establish the amount of time to be given a particular matter may be made in the same manner as provided in sub. (1), except this motion shall be subject to amendment, which also shall be decided without debate.

(3) When any matter is under consideration any member may move the "previous question" or that the "previous question be put". Such motion shall not be debatable and if

carried by a majority the main question then pending before the senate shall be put without debate.

**SENATE RULE 78. Putting of motion; ending debate.** (1) The previous question being moved, the question shall then be: "Shall the main question be now put?" which question shall be determined by the ayes and noes. The main question being ordered to be now put, its effect shall be to put an end to all debate, and bring the senate to a direct vote upon the main question.

(2) Amendments or substitute amendments may be offered, but not debated, and shall be considered immediately, and a motion to lay on the table shall not be in order after the main question has been ordered.

(3) Ordering the previous question at any stage of a bill or resolution shall preclude debate on all questions under that order but not upon a motion to reconsider the question terminating that order.

**SENATE RULE 79. Main question may remain before the senate.** When, on taking the previous question, the senate shall decide that the main question shall not now be put, the main question shall remain as the question before the senate, in the same stage of proceedings as before the previous question was moved.

**SENATE RULE 80. But one call of the senate in order.** On motion for the previous question, and prior to the ordering of the main question, one call of the senate shall be in order; but after proceedings under such call shall have been once dispensed with, or after a majority shall have ordered the main question, no call shall be in order prior to the decision of such question.

### **Chapter 8: CALL OF THE SENATE**

**SENATE RULE 81. Call of the senate.** (1) Five senators may make a call of the senate and thereby require absent members to be sent for, but a call of the senate cannot be made after the voting has commenced.

(2) A call of the senate may be ordered on any motion or question before the senate, including a motion to adjourn, but a call of the senate on a motion to adjourn shall not be in order once the senate is under call on any other question.

**SENATE RULE 82. Putting question.** (1) On a call of the senate being moved, the president shall say: "It requiring 5 senators to make a call of the senate, those in favor of the call will rise." And, if a sufficient number shall rise, the call shall be thereby ordered without debate.

(2) When a motion for a call of the senate has failed of the support of the necessary 5 members, and announcement of that fact has been made, a 2nd motion for a call on the same question shall not be in order unless other business intervenes.

**SENATE RULE 83. Doors to be closed.** A call of the senate being ordered, the sergeant at arms shall close the doors, and no member shall be allowed to leave the chamber but the public shall be permitted to come and go under such regulations as the sergeant at arms may find necessary.

**SENATE RULE 84. Sergeant to bring in absentees.** The chief clerk shall immediately call the roll of the members, and note the absentees, whose names shall be read, and entered upon the journal in such manner as to show who are absent with leave and who are absent without leave. The chief clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall forthwith proceed to find and bring in such absentees.

**SENATE RULE 85. Transacting business while under call.** (1) **GENERAL RULE.** While the senate is under call no business shall be transacted with reference to the matter on which the call is made except: a) to receive and act upon the report of the sergeant at arms, b) to act on a motion to raise one or more calls, c) to adjourn, or d) to adjourn to a time certain. A roll call on a call of the senate must be completed before the senate may take up a special order fixed for that time. A joint resolution to dispose of all measures before the senate and to recess includes measures under call.

(2) **CONCURRENT CALLS.** While the senate is under call, a concurrent call may be ordered on any other business before the senate except on a motion for a leave of absence for a member or a motion to dispense with further proceedings under a call.

(3) **OTHER BUSINESS.** Other business may be conducted by those present as if there were no call.

(4) **SUCCESSIVE CALLS ON SAME QUESTION; INTERVENING BUSINESS.** Successive calls on the same question are in order if any other action on pending business has intervened between calls of the senate.

(5) **RAISING CALL.** A motion to raise one or more calls shall take precedence over every other motion except a motion to adjourn. Such motion shall require the affirmative vote of a majority of the members who are then present, for adoption. Upon adoption of a motion to raise one or more calls, business shall be taken up at the point at which it was interrupted by the call except that motions to recess or adjourn take precedence over the question on which the call was raised, and subsequent calls on motions unrelated to progress of a proposal are in order. Such motion to raise a call is not amendable.

(6) **EFFECT OF ADJOURNMENT UPON CALL OF SENATE.** A majority of those present may adjourn, but upon reconvening, the senate shall not be considered to be under call, but the call of the senate may again be ordered in the same manner as above described.

(7) **GRANTING LEAVE UNDER CALL.** Absent members may be granted leave during a call of the senate by majority vote but leave cannot be cancelled after a call of the senate has been ordered. Prior leave expires when the senator returns although it is before the time limit set.

**SENATE RULE 86. Sergeant at arms may report.** The sergeant at arms may make a report of the proceedings under the call at any time. The motion to accept such report shall be determined by ayes and noes, and the call shall not be raised unless a majority of the members who are then present vote in favor of the motion. If such report is not accepted, the sergeant at arms shall proceed to a completion of the duties under rule 84.

**SENATE RULE 87. Call raised when absentees present and business disposed of.** When the sergeant at arms reports that all who were absent without leave (naming them) are present, such report shall be entered on the journal. The call shall be at an end as soon as the business, pending when the call was made, is disposed of.

### **Chapter 9: EMPLOYES**

**SENATE RULE 88. Employment and supervision of senate employes.** (1) The committee on senate organization shall have general supervision and direction over all employes of the senate and may supervise or assign supervision over employes as it may consider proper to the chief clerk, to the sergeant at arms or to members of the senate.

(2) On recommendation of the respective appointing officers, the committee on senate organization shall allocate the number of employes of the senate within the limits established by the staffing resolution then in force and the duties and responsibilities assigned to each employe. The committee on senate organization shall assign each position to the proper pay range.

(3) Employes shall not be allowed compensation except for such time as they are actually in attendance, except when absent with leave granted by their superior officers. Upon no day of the week shall employes be exempted from this provision. All employes shall perform such duties in connection with the work of the senate as are assigned to them by their superior officers, and shall be available at such hours as their superior officers shall direct.

**SENATE RULE 89. Certification of payroll.** The chief clerk and the sergeant at arms of the senate shall certify to the department of administration the names of all persons employed in their respective departments by the senate, the capacity in which employed, and the amounts respectively due them, which certificate shall be approved by the chairperson of the committee on senate organization.

[am. 1995 S.Res. 2]

### **Chapter 10: RULES**

**SENATE RULE 90. Creating, amending or repealing rules.** Senate rules may be created, amended or repealed by resolution adopted by a vote of a majority of the senate membership presently serving. The vote shall be taken by ayes and noes. Any such resolution shall set forth the precise detail of the proposed creation, amendment or repeal. After the rules have been established at the commencement of the legislative biennium, any resolution to change the rules shall lay over one week.

**SENATE RULE 91. Suspending rules.** These rules may be suspended by the senate by vote of two-thirds of the members present. The vote shall be determined by ayes and noes unless unanimous consent is given.

**SENATE RULE 92. Continuity of senate rules.** These rules shall be effective until amended or rescinded by the senate. The rules shall also remain in force at the beginning of a succeeding regular biennial session until superseded by rules adopted by the senate in such succeeding session of the legislature.

**SENATE RULE 93. Special, extended or extraordinary sessions.** Unless otherwise provided by the senate for a specific special, extended or extraordinary session, the rules of



the senate adopted for the regular session shall, with the following modifications, apply to each special session called by the governor and to each extended or extraordinary session called by the senate and assembly organization committees or called by a joint resolution approved by both houses:

(1) No senate bill, senate joint resolution or senate resolution shall be considered unless it is germane to the subjects enumerated by the governor in the proclamation calling the special session or to the subjects enumerated by the committees on organization or in the joint resolution calling the extended or extraordinary session and is recommended for introduction by the committee on senate organization or by the joint committee on employment relations.

(2) No notice of hearing before a committee shall be required other than posting on the legislative bulletin board, and no bulletin of committee hearings shall be published.

(3) The daily calendar shall be in effect immediately upon posting on the legislative bulletin boards. The calendar need not be distributed.

(4) Any point of order shall be decided within one hour.

(5) No motion shall be entertained to postpone action to a day or time certain.

(6) Any motion to advance a proposal and any motion to message a proposal to the other house may be adopted by a majority of those present and voting.

[cr. 1983 S.Res. 4]

[(intro.) am. 1989 S.Res. 3]

[(1) and (3) am. 1995 S.Res. 2]

**SENATE RULE 94. Publishing of senate rules.** (1) Whenever directed to do so by the committee on senate organization, the chief clerk shall recompile and publish the senate manual containing these rules, the joint rules of the senate and assembly and the constitution of this state, together with appropriate directories of the members of the legislature, legislative employees, accredited correspondents of the news media, a detailed alphabetical index, and such other information approved by the committee on senate organization as is deemed useful to the members of the senate. In recompiling the senate manual, the chief clerk shall make the spelling and other minor corrections authorized to be made in legislation under rule 31 (1) and (4) and shall consult with the legislative reference bureau to make any references to provisions of the constitution, statutes, joint rules or senate rules conform to the numbers then assigned to such provisions.

(2) Spelling and capitalization in the senate rules shall follow the style of the Wisconsin statutes.

(3)(a) Within one week from the adoption of any resolution significantly changing these rules the chief clerk shall direct the distribution of a new pamphlet incorporating the entire text of these rules as affected by that resolution unless, in the judgment of the chief clerk, additional rule changes may soon be agreed to by the senate. Each pamphlet edition shall contain a revised table of contents and index prepared by the legislative reference bureau.

(b) As directed by the chief clerk, any resolution amending these rules may be engrossed and duplicated for distribution.

[rn. from S.Rule 93 by 1983 S.Res. 4]

[am. 1987 S.Res. 3]

[(3)(a) am. 1995 S.Res. 2]

**Chapter 11:  
MISCELLANEOUS**

**SENATE RULE 95. Copies for senate.** All publications for the senate and reproduction to be done for the senate shall conform to the rules or be as determined by the committee on senate organization or the joint committee on legislative organization.

[rn. from S.Rule 94 by 1983 S.Res. 4]  
[am. 1995 S.Res. 2]

**SENATE RULE 97. Space assignments.** At the commencement of each biennial term, the committee on senate organization shall assign to each member the seat to be occupied by that member during the biennial term. The schedule of room assignments to members and committees, and the schedule of meetings of standing committees, shall follow the schedule of previous sessions unless changed by vote of the committee on senate organization.

[rn. from S.Rule 96 by 1983 S.Res. 4]

**SENATE RULE 98. Citations on behalf of the senate.** Any member or members of the senate may sponsor a citation on behalf of the senate to a particular person or organization or to commemorate a particular occasion as specified in the citation. Citations may be issued during any floor period as well as during any committee work period or the period scheduled for the work of the interim committees. Citations are issued without formal approval by vote of the senate, but each citation requires prior approval by the committee on senate organization.

(1) Citations may be used in place of resolutions for commendations, congratulations and condolences of persons or organizations or to give recognition to unusual and important events, except the use of citations shall not be abused. The committee on senate organization may more specifically interpret this paragraph.

(2) If desired by the issuing member, a citation on behalf of the senate may be coauthored by one or more other members or cosponsored by one or more representatives to the assembly, but in that case the proposal for issuing the citation shall be signed by each of the coauthors or cosponsors.

(3) Any citation on behalf of the senate shall be signed by the presiding officer, and by the chief clerk. A copy of the finished citation shall be provided to the issuing senator, and another copy thereof shall be filed in the legislative reference bureau.

(4) All citations on behalf of the senate shall be prepared on an artistic form, approved by the committee on senate organization, suitable for framing, and shall be in substantially the following form:

(Scrollwork Incorporating State Coat of Arms)

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**CITATION BY THE SENATE**

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KNOW YOU BY THESE PRESENTS:

WHEREAS, The Burlington Standard Press has been recognized by the Wisconsin Newspaper Association; and

WHEREAS, William E. Branen, Publisher of the Burlington Standard Press, has been named by....; now,

THEREFORE, The Members of the Wisconsin Senate, on the motion of Senators Maurer and Cullen [and Representative(s)], under Senate Rule 98, congratulate William E. Branen for his accomplishments ....

STATE CAPITOL  
Madison, Wisconsin

.....  
(Date)

.....  
(Presiding Officer)

.....  
(Chief Clerk)

[rn. from S.Rule 97 by 1983 S.Res. 4]  
[(4) am. 1995 S.Res. 2]

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**Revised by Legislative Reference Bureau  
January 1999**

*Senate Rule*

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**Quick Finder:**

**QUORUM  
ROLL CALL  
MAJORITY**

**Quorum**

A majority of the current membership of the senate constitutes a quorum for the transaction of business unless a higher number is required by the state constitution, law or legislative rule.

**Three-fifths** of the **members elected** (20 senators) is the quorum for final approval of fiscal bills; Wis.Con. VIII-8. Consequently, the minimum majority for approval of fiscal bills is 11 senators.

A fiscal bill is any bill which: 1) imposes, continues or renews a tax; 2) creates a state debt or charge; 3) makes, continues or renews an appropriation of public or trust money; or 4) releases, discharges or commutes a claim or demand of the state; Wis.Con. VIII-8.

**Roll Call**

The senate may decide any question by a voice vote unless a roll call is ordered by the presiding officer or at the request of one-sixth of the senators present (Wis.Con. IV-20), or is required by the state constitution, law or legislative rule. A roll call vote, with the ayes and noes entered in the journal, is required for any senate decision which needs a special QUORUM or a special MAJORITY for final determination. In addition, roll call votes are required for:

Adjournment or recess under call; Senate Rule 85 (5).

Appeal from ruling of presiding officer; Senate Rule 7 (4).

Conference committee report, vote to approve; Joint Rule 3 (3).

Election by the legislature; Senate Rule 1, Wis.Con. IV-30.

Ending debate by motion; Senate Rule 78 (1).

Governor's nomination for appointment; Senate Rule 22 (2).

Print additional copies of legislative document; Joint Rule 62 (2).

Raise a call of the senate; Senate Rule 85 (5)

Ratify amendment to U.S. constitution; Joint Rule 58 (2).

## Majority

The senate may decide any question by a majority of a quorum unless a higher vote total is required for final approval by the state constitution, law or legislative rule.

**Three-fourths** of all the **members elected** (25 senators):

Increased retirement fund benefits, approval of bill to grant;  
Wis.Con. IV-26.

**Two-thirds** of all the **members elected** (22 senators):

Expulsion of an elected senator; Wis.Con. IV-8.

Removal of judge by address; Wis.Con. VII-13.

**Two-thirds** of **members present** and constituting a quorum:

Impeachment, trial of; Wis.Con. VII-1.

Message to assembly, rescind motion; Senate Rule 42 (2).

Rules, suspension of; Senate Rule 91.

Veto, passage notwithstanding governor's objections; Wis.Con. V-10.

**Majority** of all the **members elected** (17 senators):

*SENATE RULE 39: . . . in cases where a minimum affirmative vote or special quorum is required by constitution, statutes, rules or otherwise, and when there are permanent vacancies in the senate, the membership presently serving shall be the basis for determining such minimum affirmative vote or special quorum.*

Bonded indebtedness, authorizing; Wis.Con. VIII-7.

Constitutional amendment, approval on first or 2nd consideration;  
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Debt for extraordinary expenditures; Wis.Con. VIII-6.

Joint rule, adopt or change; Joint Rule 97 (1).

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**Majority** of **three-fifth** of all the members elected (*see* Quorum):

Any fiscal bill, vote on passage; Wis.Con. VIII-8.