

**SENATE SUBSTITUTE AMENDMENT 2,
TO 2003 SENATE RESOLUTION 21**

November 4, 2003 – Offered by Senator CARPENTER.

1 ***To amend*** senate rule 13 and senate rule 75; and ***to create*** senate rule 21m and
2 senate rule 36 (1m); **relating to:** authorizing the presiding officer to offer a
3 resolution punishing a member.

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

5 **SECTION 1.** Senate rule 13 is amended to read:

6 SENATE RULE 13. **Disturbance in lobby.** Whenever any disturbance or
7 disorderly conduct occurs on the senate floor or in the lobby or gallery, the presiding
8 officer may order the same cleared of all persons except members and officers.
9 Whenever any substantial disturbance is caused by or substantial disorderly
10 conduct is engaged in by a member on the senate floor or in the lobby or gallery while
11 the senate is sitting in session, the presiding officer may offer a resolution punishing
12 the member for contempt and disorderly behavior or expelling the member.

13 **SECTION 2.** Senate rule 21m is created to read:

1 **SENATE RULE 21m. Ethics and standards of conduct, special committee**

2 **on.** (1) Any resolution to reprimand, censure, or expel an officer or member of the
3 senate shall be referred to a special committee on ethics and standards of conduct,
4 convened for the purpose of holding one or more public hearings on the resolution and
5 submitting the committee's recommendation to the senate. The special committee
6 shall consist of 3 members of the majority party and 3 members of the minority party,
7 appointed as are the members of standing committees.

8 (2) The hearing shall be scheduled as soon as possible, allowing reasonable
9 time to ascertain the facts of the controversy, to furnish a copy of the detailed written
10 charges to the officer or member cited, and to permit that person to prepare a proper
11 defense.

12 (3) At the hearing, the officer or member cited may have the advice of counsel,
13 may offer testimony to mitigate or refute the charges, and may cross-examine any
14 witness testifying in support of the charges.

15 (4) With the consent of the officer or member cited, the committee may vote to
16 close parts of the hearing to the public.

17 (5) Promptly after the conclusion of the hearing, the committee shall return the
18 resolution to the senate together with a written report containing the committee's
19 recommendation for action on the resolution.

20 (6) Following senate action on the committee's report, by adoption or rejection
21 of the resolution, referral of the resolution to a standing committee, or return of the
22 resolution to its primary author, the special committee on ethics and standards of
23 conduct is discharged.

24 **SECTION 3.** Senate rule 36 (1m) is created to read:

1 SENATE RULE 36 (1m) Any resolution to reprimand, censure, or expel an officer
2 or member of the senate shall identify the charges against the officer or member cited
3 and shall be referred to the committee on ethics and standards of conduct for review
4 under rule 21m.

5 **SECTION 4.** Senate rule 75 is amended to read:

6 SENATE RULE 75. **Recording position of absent member.** Any member
7 absent from all or part of a day’s session by leave of the senate under rule 16 or 23
8 or pursuant to rule 13 may, within one week after returning, instruct the chief clerk
9 in writing, on a form entitled ”statement of position” to be provided by the chief clerk,
10 to have the journal show that had the member been present when a certain vote was
11 taken the member would on that issue have voted aye or have voted no. If the
12 member returns before the vote is taken, the statement of position is void and the
13 member shall cast his or her vote as required under rule 73.

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(END)