



2011 SENATE RESOLUTION 2

January 3, 2011 – Introduced by Senators S. FITZGERALD and ELLIS.

1 **To repeal** senate rule 46 (1) (b); **to renumber** senate rule 46 (1) (a); **to renumber**
2 **and amend** senate rule 36 (1m); **to amend** senate rule 36 (1m) (b), senate rule
3 46 (title), senate rule 46 (2) (a), senate rule 46 (2) (am), senate rule 49 and senate
4 rule 55; and **to create** senate rule 46 (3); **relating to:** the senate rules.

Analysis by the Legislative Reference Bureau

This resolution makes the following substantive changes to the senate rules:

First reading of petitions

The resolution clarifies that whenever a senate petition is offered and referred, the referral by the president constitutes the proposal's first reading.

Confidentiality of pending proposals

The resolution provides that the senate chief clerk must maintain the confidentiality of any proposal that is pending referral, but permits, if requested by any person, the chief clerk to inform the person of the status of a proposal pending referral. In addition, if requested by any person, the president shall inform the person of the status of a proposal pending referral.

Referral of notice and report concerning proposed administrative rules

The resolution requires the referral of every notice and report concerning a proposed administrative rule received by the president of the senate to the appropriate standing committee of the senate within ten working days following receipt. Current rules provide that the referral must be within seven working days.

Dates of introduction or offering of proposals and amendments

The resolution clarifies the dates on which the senate chief clerk is to record in the journal the introduction and offering of bills, joint resolutions, resolutions, substitute amendments, and amendments.

Adverse committee action on proposals

The resolution clarifies that if adverse action on a proposal is recommended by a committee, that question is put first.

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

2 **SECTION 1.** Senate rule 36 (1m) is renumbered senate rule 36 (1m) (a) and is
3 amended to read:

4 SENATE RULE 36 (1m) (a) Whenever a senate proposal or petition is introduced
5 or offered and referred or an assembly proposal is received and referred, the referral
6 by the president constitutes the proposal's first reading.

7 **SECTION 2.** Senate rule 36 (1m) (b) is amended to read:

8 SENATE RULE 36 (1m) (b) Whenever a senate proposal or petition is introduced
9 or offered and referred or an assembly proposal is received and referred on a day on
10 which the senate does not meet, the chief clerk's act of recording the proposal in the
11 journal ~~under rule 46 (1) (b)~~ constitutes the proposal's first reading.

12 **SECTION 3.** Senate rule 46 (title) is amended to read:

13 SENATE RULE 46 (title) **Presentation, introduction, and offering of**
14 **proposals and other matters.**

15 **SECTION 4.** Senate rule 46 (1) (a) is renumbered senate rule 46 (1).

16 **SECTION 5.** Senate rule 46 (1) (b) is repealed.

17 **SECTION 6.** Senate rule 46 (2) (a) is amended to read:

18 SENATE RULE 46 (2) (a) The chief clerk shall advise the president of documents
19 presented under sub. (1) that must be referred under the rules and the president
20 shall promptly refer the document to the appropriate committee. The chief clerk

1 shall maintain the confidentiality of any proposal presented under sub. (1) that is
2 pending referral, except that, if requested by any person, the chief clerk shall inform
3 the person of the status of a proposal pending referral under this paragraph. In
4 addition, if requested by any person, the president shall inform the person of the
5 status of a proposal pending referral under this paragraph.

6 **SECTION 7.** Senate rule 46 (2) (am) is amended to read:

7 SENATE RULE 46 (2) (am) The president shall refer every notice and report
8 concerning a proposed administrative rule received by the presiding officer under
9 section 227.19 of the statutes to the appropriate standing committee of the senate
10 within 7 10 working days following receipt and provide notice to that committee
11 whenever the president is informed that a proposed rule is being withdrawn. The
12 president shall refer any report received from a standing committee that objects to
13 a proposed rule to the joint committee for review of administrative rules.

14 **SECTION 8.** Senate rule 46 (3) is created to read:

15 SENATE RULE 46 (3) The chief clerk shall promptly record in the journal the date
16 on which each proposal, substitute amendment, and amendment is introduced or
17 offered. The date of introduction or offering is as follows:

18 (a) For a bill, when it is referred under sub. (2) (a).

19 (b) For a joint resolution or resolution, other than a resolution that is privileged
20 under rule 69, when it is referred under sub. (2) (a).

21 (c) For a resolution that is privileged under rule 69, when it is presented to the
22 chief clerk under sub. (1).

23 (d) For a substitute amendment or amendment, other than one introduced by
24 committee, when the substitute amendment or amendment is presented to the chief
25 clerk under sub. (1).

1 (e) For a substitute amendment or amendment introduced by committee, when
2 the committee report under rule 27 (1) is filed.

3 **SECTION 9.** Senate rule 49 is amended to read:

4 SENATE RULE 49. Amendments shall be numbered in the order received, and
5 shall bear the name of the member or the committee offering the same. Amendments
6 shall be prepared in proper form by the legislative reference bureau, and ~~must be~~
7 ~~offered in compliance with rule 29~~ the legislative reference bureau shall attach jacket
8 cover sheets (stripes) to the amendments; except that when the proposal is debated
9 on 2nd reading amendments may be offered from the floor. The chief clerk shall have
10 amendments offered from the floor drawn in proper form as soon as possible and
11 before the proposal is subsequently engrossed and delivered to a committee or to the
12 assembly. This provision does not delay action upon an amendment offered from the
13 floor.

14 **SECTION 10.** Senate rule 55 is amended to read:

15 SENATE RULE 55. If adverse action on a proposal is recommended by a
16 committee, that question is put first. However, the senate may direct the
17 consideration of amendments, but adoption of amendments does not change the
18 question.

19 (END)