

FILED APR 12 1988

1 SENATE RESOLUTION NO. 105 (formerly 5382276)  
2 BY COMMITTEE ON ETHICS

59853 A Resolution to amend the Senate Code of Ethics and the  
4 Rules of the Senate adopted by the Seventy-second  
5 General Assembly.

6 BE IT RESOLVED BY THE SENATE, That Rule 1 of the  
7 senate code of ethics be amended by adding the

657760758 following new subrules:

9 NEW SUBRULE. d. Honoraria. A senator shall not  
10 accept an honorarium from any person for a speech,  
11 writing for publication, or other similar activity,  
12 that is in excess of the usual and customary value for  
60713 those services.

14 NEW SUBRULE. e. Employment. A senator shall not  
15 accept employment, either directly or indirectly, from  
16 a political action committee. A senator may accept  
17 employment from a political party, but shall disclose  
18 the employment relationship in writing to the  
19 secretary of the senate within ten days after the  
20 beginning of each legislative session. If a senator  
21 accepts employment from a political party during a  
22 legislative session, the senator shall disclose the  
23 employment relationship within ten days after  
24 acceptance of the employment.

25 For the purpose of this rule, a political action  
26 committee means a committee, but not a candidate's  
27 committee, which accepts contributions, makes  
28 expenditures, or incurs indebtedness in the aggregate  
29 of more than two hundred fifty dollars in any one  
30 calendar year for the purpose of supporting or

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1 opposing a candidate for public office or ballot issue  
2 or influencing legislative action, or an association,  
3 lodge, society, cooperative, union, fraternity,  
4 sorority, educational institution, civic organization,  
5 labor organization, religious organization, or  
6 professional organization which makes contributions in  
7 the aggregate of more than two hundred fifty dollars  
8 in any one calendar year for the purpose of supporting  
9 or opposing a candidate for public office or ballot  
10 issue or influencing legislative action.

5975 >  
11 BE IT FURTHER RESOLVED, That Rule 10 of the senate  
12 code of ethics be amended to read as follows:

13 10. FILING OF COMPLAINTS.

14 a. Persons entitled. Complaints may be filed by  
15 any person believing that a senator or lobbyist has  
16 ~~been-guilty-of-a-violation-of~~ violated the senate  
17 ethics code, the senate rules governing lobbyists, and  
18 or chapter 68B of the Iowa Code. A violation of the  
19 criminal law may be considered to be a violation of  
20 this code of ethics if the violation constitutes a  
21 serious misdemeanor or greater, or a repetitive and  
22 flagrant violation of the law.

23 b. Committee complaint. The ethics committee may,  
24 upon its own motion, initiate a complaint,  
25 investigation or disciplinary action.

26 c. Timeliness of filing. A complaint will be  
27 considered to be timely filed if it is filed during  
28 the legislative session when an alleged violation of  
29 the ethics code occurs. If the alleged unethical  
30 conduct occurs after adjournment, the complaint may be

1 filed at any time up to and including the first  
2 fifteen days of the following legislative session.

3 If the complaint alleges a violation of Iowa's  
4 criminal law, it is timely if filed during the  
5 legislative session when the alleged violation  
6 occurred, or during the session when the criminal  
7 charges are disposed of.

8 BE IT FURTHER RESOLVED, That Rule 12 of the senate  
9 code of ethics is amended to read as follows:

10 12. PRE-HEARING PROCEDURE.

11 a. Defective complaint. Upon receipt of a  
12 complaint, the chairperson and ranking member of the  
13 ethics committee shall determine whether the complaint  
14 substantially complies with the code of ethics. If  
15 the complaint does not substantially comply with the  
16 code of ethics, the complaint may be returned to the  
17 complainant with a statement that the complaint is not  
18 in compliance with the code and a copy of the code.  
19 If the complainant fails to amend the complaint to  
20 comply with the code within a reasonable time, the  
21 chair and ranking member may dismiss the complaint  
22 with prejudice for failure to prosecute.

23 b. Service of complaint on respondent. Upon  
24 receipt of any complaint substantially complying with  
25 the requirements of this code of ethics, the  
26 chairperson of the ethics committee shall cause a copy  
27 of the complaint and any supporting information to be  
28 delivered promptly to the respondent, requesting a  
29 written response to it be filed within ten days. The  
30 response may:

1 (1) Admit or deny the allegation or allegations,  
2 or

3 (2) Object that the allegation fails to allege a  
4 violation of the code of ethics, or

5 (3) Object to the jurisdiction of the committee,  
6 or

7 (4) Request a more specific statement of the  
8 allegation or allegations, or

9 (5) Object to the participation of any member of  
10 the committee in the consideration of the allegation  
11 or allegations on the grounds that the member cannot  
12 render an impartial and unbiased decision.

13 c. Extension of time. At the request of the  
14 respondent and upon a showing of good cause, the  
15 committee, or the chairperson ~~if-authorized-by-the~~  
16 ~~committee~~ and ranking member, may extend the time for  
17 response, not to exceed ten additional days.

18 d. Scheduling hearing. Upon receipt of the  
19 response, the committee shall schedule a public  
20 meeting to review the complaint and available  
21 information, and shall:

22 a- (1) Notify the complainant that no further  
23 action will be taken, unless further substantiating  
24 information is produced, or

25 b- (2) Conduct its own investigation or, upon  
26 approval of the senate or the senate rules and  
27 administration committee when the senate is not in  
28 session, arrange for an investigation of the complaint  
29 by independent counsel, to be received within a  
30 reasonable time, or

1 e- (3) Cause the complaint to be scheduled for a  
2 public hearing before the committee, or

3 d- (4) Cause the complaint to be scheduled for a  
4 public hearing upon receipt of the report of the  
5 independent counsel.

6 BE IT FURTHER RESOLVED, That Rule 13 of the senate  
7 code of ethics is amended to read as follows:

8 13. HEARING PROCEDURE.

9 a. Notice of hearing. If the committee causes a  
10 complaint to be scheduled for a public hearing, notice  
11 of the hearing date and time shall be given to the  
12 complainant and respondent in writing, and of the  
13 respondent's right to appear in person, be represented  
14 by legal counsel, present statements and evidence, and  
15 examine and cross-examine witnesses. The committee  
16 shall not be bound by formal rules of evidence, but  
17 shall receive relevant evidence, subject to  
18 limitations on repetitiveness. Any evidence taken  
19 shall be under oath.

20 b. Subpoena power. The committee may require, by  
21 subpoena or otherwise, the attendance and testimony of  
22 witnesses and the production of such books, records,  
23 correspondence, memoranda, papers, documents, and any  
24 other things it deems necessary to the conduct of the  
25 inquiry.

26 c. Ex post facto. An investigation shall not be  
27 undertaken by the committee of a violation of a law,  
28 rule, or standard of conduct that is not in effect at  
29 the time of violation.

30 d. Disqualification of member. Members of the

1 committee may disqualify themselves from participating  
2 in any investigation of the conduct of another person  
3 upon submission of a written statement that the member  
4 cannot render an impartial and unbiased decision in a  
5 case. A member may also be disqualified by a vote of  
6 four-fifths of the legislative members of the  
7 committee.

8 A member of the committee is ineligible to  
9 participate in committee meetings, as a member of the  
10 committee, in any proceeding relating to the member's  
11 own official conduct.

12 If a member of the committee is disqualified to  
13 act, the majority leader, after consultation with the  
14 minority leader, shall appoint a senator of the same  
15 political party as the disqualified committee member  
16 to serve as a member of the committee during the  
17 period of disqualification.

18 e. Hearing. At the hearing, the chairperson shall  
19 open the hearing by stating the charges, the purpose  
20 of the hearing, and its scope. The burden of proof  
21 rests upon the complainant to establish the facts as  
22 alleged, by clear and convincing evidence. However,  
23 questioning of witnesses shall be conducted by the  
24 members of the committee, by legal counsel appointed  
25 by the committee, or by a senator, the senate legal  
26 counsel, or legal counsel from the legislative service  
27 bureau, if designated by the chairperson and ranking  
28 member of the committee. The chairperson shall also  
29 permit questioning by legal counsel representing the  
30 complainant or respondent.

1 The chairperson or other member of the committee  
 2 presiding at a hearing shall rule upon procedural  
 3 questions or any question of admissibility of evidence  
 4 presented to the committee. Rulings may be reversed  
 5 by a majority vote of the committee members present.

6 The committee may continue the hearing to a future  
 7 date if necessary for appropriate reasons or purposes.

8 f. Committee action. Upon receipt of all relevant  
 9 evidence and arguments, the committee shall consider  
 10 the same and recommend to the senate:

11 a- (1) That the complaint be dismissed, or

12 b- (2) That the senator or lobbyist be censured or  
 13 reprimanded, and recommend the appropriate form of  
 14 censure or reprimand, or

15 e- (3) Any other appropriate sanction, including  
 16 suspension or expulsion from membership in the senate,  
 17 or suspension of lobbying privileges.

18 g. Disposition resolution. By appropriate  
 19 resolution, the senate may amend, adopt, or reject the  
 20 report of the ethics committee, including the  
 21 committee's recommendations regarding disciplinary  
 22 action.

23 BE IT FURTHER RESOLVED, That the rules of the  
 24 senate be amended by adding the following new rule:

25 NEW RULE. 29A. HOUSE AMENDMENT TO SENATE BILL.

26 If the presiding officer of the senate determines for  
 27 a bill that originated in the senate that an

28 amendment, or portion of an amendment, passed by the  
 29 house of representatives and transmitted to the

30 senate, is not germane to that bill, the amendment, or

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1 portion of the amendment, shall be treated as if it  
2 were defeated by a majority vote of the senate.

3 COMPANION TO SSB 2276 (LSB 8460SC)

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SENATE RESOLUTION 105

S-6071

1 Amend Senate Resolution 105 as follows:  
2 1. Page 1, line 13, by striking the word  
3 "services." and inserting the words: "services."  
4 A senator shall report to the secretary of the  
5 senate any honorarium received in excess of one  
6 hundred dollars, including the size of the  
7 honorarium, the person providing the honorarium,  
8 the purpose for which the honorarium was provided,  
9 and the date the honorarium was received. The  
10 senator shall have thirty days from the date the  
11 honorarium was received to report the honorarium."

S-6071

Filed April 15, 1988

BY CHARLES BRUNER

*4/15 416 (p. 1690)*

SENATE RESOLUTION 105

S-6075

1 Amend Senate Resolution 105 as follows:  
2 1. Page 1, line 8, by striking the word  
3 "subrules:" and inserting the following: "subrules,  
4 and relettering the existing rules as necessary:  
5 NEW SUBRULE. a. Disclosure. A senator shall file  
6 a report with the secretary of the senate detailing  
7 all sources of income, gifts, and in-kind  
8 contributions."

S-6075

Filed April 15, 1988

BY JIM LIND

*4/15 416 (p. 1690)*

SENATE RESOLUTION 105

S-6077

1 Amend Senate Resolution 105 as follows:  
2 1. Page 1, line 8, by striking the word  
3 "subrules:" and inserting the following: "subrules,  
4 and relettering the existing rules as necessary:  
5 NEW SUBRULE. a. Disclosure. A senator shall file  
6 a report with the secretary of the senate detailing  
7 all sources of income, gifts, and in-kind  
8 contributions. The dollar amount of all income shall  
9 be disclosed by the submission with the report of  
10 proper documentation, such as W-2 forms."

S-6077

Filed April 15, 1988

BY JIM LIND

*Filed per agreement 4/16 (p. 1690)*

SENATE RESOLUTION 105

S-5975

1 Amend Senate Resolution 105 as follows:

2 1. Page 2, by inserting after line 10 the  
3 following:

4 "BE IT FURTHER RESOLVED, That Rule 5 of the senate  
5 code of ethics be amended by adding the following new  
6 subrule:

6017 NEW SUBRULE. e. A senator shall file a report  
8 with the secretary of the senate, of any honorarium  
9 received by the senator. The report shall also  
10 include any actual and necessary transportation,  
11 lodging, and meal expenses incurred by the senator in  
12 connection with the appearance, speech, or article for  
13 which the honorarium is paid. The report shall list  
14 the nature, date, and payor of the honorarium and  
15 shall be filed by the fifteenth of the month covering  
16 the preceding month."

S-5975

Filed April 13, 1988  
*Filed 4/15 (p. 1669)*

BY JIM LIND

SENATE RESOLUTION 105

S-5985

1 Amend Senate Resolution 105 as follows:

2 1. Page 1, lines 3 and 4, by striking the words  
3 "and the Rules of the Senate"

4 2. Page 7, by striking line 23 through page 8,  
5 line 2.

S-5985

Filed April 13, 1988  
*Adopted 4/15 (p. 1669)*

BY COMMITTEE ON RULES AND  
ADMINISTRATION  
BILL HUTCHINS, Chairperson

SENATE RESOLUTION 105

S-6069

1 Amend the amendment, S-5975, to Senate Resolution  
2 105, as follows:

3 1. Page 1, by striking lines 9 through 16 and  
4 inserting the following: "in excess of two hundred  
5 fifty dollars received by the senator for a senate-  
6 related speech, writing for publication, or other  
7 similar activity. Honorarium received by a senator  
8 for a speech, writing for publication, or other  
9 similar activity which is not related to the senate,  
10 is not required to be reported."

S-6069

Filed April 15, 1988

ADOPTED  
*(p. 1669)*

BY THOMAS MANN, Jr.

1 SENATE RESOLUTION NO. 105

2 BY COMMITTEE ON ETHICS

3 A Resolution to amend the Senate Code of Ethics

\* 4 adopted by the Seventy-second General Assembly.

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12 those services.

13 NEW SUBRULE. e. Employment. A senator shall not  
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25 committee means a committee, but not a candidate's  
26 committee, which accepts contributions, makes  
27 expenditures, or incurs indebtedness in the aggregate  
28 of more than two hundred fifty dollars in any one  
29 calendar year for the purpose of supporting or  
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1 or influencing legislative action, or an association,  
2 lodge, society, cooperative, union, fraternity,  
3 sorority, educational institution, civic organization,  
4 labor organization, religious organization, or  
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10 BE IT FURTHER RESOLVED, That Rule 10 of the senate  
11 code of ethics be amended to read as follows:

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13 a. Persons entitled. Complaints may be filed by  
14 any person believing that a senator or lobbyist has  
15 ~~been guilty of a violation of~~ violated the senate  
16 ethics code, the senate rules governing lobbyists, and  
17 or chapter 68B of the Iowa Code. A violation of the  
18 criminal law may be considered to be a violation of  
19 this code of ethics if the violation constitutes a  
20 serious misdemeanor or greater, or a repetitive and  
21 flagrant violation of the law.

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23 upon its own motion, initiate a complaint,  
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26 considered to be timely filed if it is filed during  
27 the legislative session when an alleged violation of  
28 the ethics code occurs. If the alleged unethical  
29 conduct occurs after adjournment, the complaint may be  
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1 fifteen days of the following legislative session.

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14 the complaint does not substantially comply with the  
15 code of ethics, the complaint may be returned to the  
16 complainant with a statement that the complaint is not  
17 in compliance with the code and a copy of the code.  
18 If the complainant fails to amend the complaint to  
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20 chair and ranking member may dismiss the complaint  
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26 of the complaint and any supporting information to be  
27 delivered promptly to the respondent, requesting a  
28 written response to it be filed within ten days. The  
29 response may:

- 30 (i) Admit or deny the allegation or allegations,

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2 (2) Object that the allegation fails to allege a  
3 violation of the code of ethics, or

4 (3) Object to the jurisdiction of the committee,

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6 (4) Request a more specific statement of the  
7 allegation or allegations, or

8 (5) Object to the participation of any member of  
9 the committee in the consideration of the allegation  
10 or allegations on the grounds that the member cannot  
11 render an impartial and unbiased decision.

12 c. Extension of time. At the request of the  
13 respondent and upon a showing of good cause, the  
14 committee, or the chairperson ~~if-authorized-by-the~~  
15 committee and ranking member, may extend the time for  
16 response, not to exceed ten additional days.

17 d. Scheduling hearing. Upon receipt of the  
18 response, the committee shall schedule a public  
19 meeting to review the complaint and available  
20 information, and shall:

21 a. (1) Notify the complainant that no further  
22 action will be taken, unless further substantiating  
23 information is produced, or

24 b. (2) Conduct its own investigation or, upon  
25 approval of the senate or the senate rules and  
26 administration committee when the senate is not in  
27 session, arrange for an investigation of the complaint  
28 by independent counsel, to be received within a  
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30 e. (3) Cause the complaint to be scheduled for a

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12 respondent's right to appear in person, be represented  
13 by legal counsel, present statements and evidence, and  
14 examine and cross-examine witnesses. The committee  
15 shall not be bound by formal rules of evidence, but  
16 shall receive relevant evidence, subject to  
17 limitations on repetitiveness. Any evidence taken  
18 shall be under oath.

19 b. Subpoena power. The committee may require, by  
20 subpoena or otherwise, the attendance and testimony of  
21 witnesses and the production of such books, records,  
22 correspondence, memoranda, papers, documents, and any  
23 other things it deems necessary to the conduct of the  
24 inquiry.

25 c. Ex post facto. An investigation shall not be  
26 undertaken by the committee of a violation of a law,  
27 rule, or standard of conduct that is not in effect at  
28 the time of violation.

29 d. Disqualification of member. Members of the  
30 committee may disqualify themselves from participating

1 in any investigation of the conduct of another person  
2 upon submission of a written statement that the member  
3 cannot render an impartial and unbiased decision in a  
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5 four-fifths of the legislative members of the  
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9 committee, in any proceeding relating to the member's  
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12 act, the majority leader, after consultation with the  
13 minority leader, shall appoint a senator of the same  
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29 complainant or respondent.

30 The chairperson or other member of the committee

1 presiding at a hearing shall rule upon procedural  
2 questions or any question of admissibility of evidence  
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21 action.

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*SR 105*  
SENATE RESOLUTION NO. 105

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION)

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BE IT RESOLVED BY THE SENATE, That Rule 1 of the senate code of ethics be amended by adding the following new subrules:

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For the purpose of this rule, a political action committee means a committee, but not a candidate's committee, which accepts contributions, makes expenditures, or incurs indebtedness in the aggregate of more than two hundred fifty dollars in any one calendar year for the purpose of supporting or

1 opposing a candidate for public office or ballot issue  
2 or influencing legislative action, or an association,  
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25     b- (2) Conduct its own investigation or, upon  
26 approval of the senate or the senate rules and  
27 administration committee when the senate is not in  
28 session, arrange for an investigation of the complaint  
29 by independent counsel, to be received within a  
30 reasonable time, or

1 e- (3) Cause the complaint to be scheduled for a  
2 public hearing before the committee, or

3 d- (4) Cause the complaint to be scheduled for a  
4 public hearing upon receipt of the report of the  
5 independent counsel.

6 BE IT FURTHER RESOLVED, That Rule 13 of the senate  
7 code of ethics is amended to read as follows:

8 13. HEARING PROCEDURE.

9 a. Notice of hearing. If the committee causes a  
10 complaint to be scheduled for a public hearing, notice  
11 of the hearing date and time shall be given to the  
12 complainant and respondent in writing, and of the  
13 respondent's right to appear in person, be represented  
14 by legal counsel, present statements and evidence, and  
15 examine and cross-examine witnesses. The committee  
16 shall not be bound by formal rules of evidence, but  
17 shall receive relevant evidence, subject to  
18 limitations on repetitiveness. Any evidence taken  
19 shall be under oath.

20 b. Subpoena power. The committee may require, by  
21 subpoena or otherwise, the attendance and testimony of  
22 witnesses and the production of such books, records,  
23 correspondence, memoranda, papers, documents, and any  
24 other things it deems necessary to the conduct of the  
25 inquiry.

26 c. Ex post facto. An investigation shall not be  
27 undertaken by the committee of a violation of a law,  
28 rule, or standard of conduct that is not in effect at  
29 the time of violation.

30 d. Disqualification of member. Members of the

1 committee may disqualify themselves from participating  
2 in any investigation of the conduct of another person  
3 upon submission of a written statement that the member  
4 cannot render an impartial and unbiased decision in a  
5 case. A member may also be disqualified by a vote of  
6 four-fifths of the legislative members of the  
7 committee.

8 A member of the committee is ineligible to  
9 participate in committee meetings, as a member of the  
10 committee, in any proceeding relating to the member's  
11 own official conduct.

12 If a member of the committee is disqualified to  
13 act, the majority leader shall appoint a senator of  
14 the same political party as the disqualified committee  
15 member to serve as a member of the committee during  
16 the period of disqualification.

17 e. Hearing. At the hearing, the chairperson shall  
18 open the hearing by stating the charges, the purpose  
19 of the hearing, and its scope. The burden of proof  
20 rests upon the complainant to establish the facts as  
21 alleged, by clear and convincing evidence. However,  
22 questioning of witnesses shall be conducted by the  
23 members of the committee, by legal counsel appointed  
24 by the committee, or by a senator, the senate legal  
25 counsel, or legal counsel from the legislative service  
26 bureau, if designated by the chairperson and ranking  
27 member of the committee. The chairperson may also  
28 permit questioning by legal counsel representing the  
29 complainant or respondent.

30 The chairperson or other member of the committee

1 presiding at a hearing shall rule upon procedural  
2 questions or any question of admissibility of evidence  
3 presented to the committee. Rulings may be reversed  
4 by a majority vote of the committee members present.

5 The committee may continue the hearing to a future  
6 date if necessary for appropriate reasons or purposes.

7 f. Committee action. Upon receipt of all relevant  
8 evidence and arguments, the committee shall consider  
9 the same and recommend to the senate:

10 a- (1) That the complaint be dismissed, or

11 b- (2) That the senator or lobbyist be censured or  
12 reprimanded, and recommend the appropriate form of  
13 censure or reprimand, or

14 e- (3) Any other appropriate sanction, including  
15 suspension or expulsion from membership in the senate,  
16 or suspension of lobbying privileges.

17 g. Disposition resolution. By appropriate  
18 resolution, the senate may amend, adopt, or reject the  
19 report of the ethics committee, including the  
20 committee's recommendations regarding disciplinary  
21 action.

22 BE IT FURTHER RESOLVED, That the rules of the  
23 senate be amended by adding the following new rule:

24 NEW RULE. 29A. HOUSE AMENDMENT TO SENATE BILL.

25 If the presiding officer of the senate determines for  
26 a bill that originated in the senate that an  
27 amendment, or portion of an amendment, passed by the  
28 house of representatives and transmitted to the  
29 senate, is not germane to that bill, the amendment, or  
30 portion of the amendment, shall be treated as if it

1 were defeated by a majority vote of the senate.

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