

Senate Resolution 4

By: Senators Miller of the 49th, Dugan of the 30th, Hill of the 4th, Gooch of the 51st, Mullis of the 53rd and others

ADOPTED SENATE

A RESOLUTION

1 Adopting the Rules of the Senate; and for other purposes.

2 BE IT RESOLVED BY THE SENATE that the Rules of the Senate in effect at the
3 adjournment of the 2018 Regular Session of the General Assembly are hereby adopted as the
4 Rules of the Senate for the 2019-2020 biennium of the General Assembly unless and until
5 otherwise provided by resolution of the Senate, with the following amendments:

6 **SECTION 1.**

7 The Rules of the Senate are amended by revising Part 2 of Section One by adding a new rule
8 to read as follows:

9 **"1-2.5 Senate Offices**

10 (a) Except for those officers designated in paragraph (b) of this Rule, the Secretary of the
11 Senate shall assign office space to each Senator on the basis of seniority at the beginning
12 of the term after leadership positions are determined. The Committee on Administrative
13 Affairs shall adopt policies and procedures that the Secretary shall follow in performing
14 this function. In the event a vacancy occurs in the Senate during the interim, the newly
15 elected Senator shall occupy the office space of his or her predecessor in office for the
16 remainder of the term.

17 (b) Members of the Senate who are elected or appointed to the following offices are
18 entitled to occupy designated office space in the capitol as follows:

- | | | |
|----|---|-------------------------|
| 19 | <u>(1) President Pro Tempore</u> | <u>Room 321 Suite</u> |
| 20 | <u>(2) Majority Leader</u> | <u>Room 236</u> |
| 21 | <u>(3) Majority Leadership Suite</u> | <u>Suite 421 A-F</u> |
| 22 | <u>(4) Minority Leader Suite</u> | <u>Room 121-A and B</u> |
| 23 | <u>(5) Chair, Committee on Rules</u> | <u>Room 453</u> |
| 24 | <u>(6) Chair, Committee on Appropriations</u> | <u>Room 234</u> |

25 (c) The Committee on Administrative Affairs may authorize the Secretary to deviate from
26 the procedures set forth in this paragraph as circumstances warrant."

27 **SECTION 2.**

28 Said rules are further amended by revising Part 4 of Section One as follows:

29 **"PART 4: CONDUCT AND ETHICS**

30 **1-4.1 Definitions**

31 For purposes of this Part:

32 (a) 'Committee' shall mean the Senate Committee on Ethics.

33 (b) 'Senate staff' or 'staff' shall mean any person who is not an officer or member of the
 34 Senate, who is employed by the Senate, receives compensation from the Senate, or who
 35 volunteers their services to the Senate.

36 ~~1-4.1~~ **1-4.2 Personal Financial Gain**

37 (a) Senators and Senate staff shall refrain from using government positions to attain
 38 personal financial gain.

39 (b) Senators and staff shall not use public resources or personnel for the purpose of
 40 conducting personal or private business activity. Ordinary and necessary communications
 41 which Senators and staff must conduct with their homes and business interests while
 42 serving in their public capacities are permitted.

43 (c) Senators shall not seek, accept, use, allocate, grant, or award public funds for any
 44 purpose other than as approved by law.

45 (d) No Senator shall vote upon any question if the Senator or any member of the Senator's
 46 immediate family has a direct pecuniary interest in the result of such vote which interest
 47 is distinct, unique, or peculiar to the Senator or the Senator's immediate family.

48 ~~1-4.2~~ **1-4.3 Campaign Contributions**

49 (a) No Senator or staff shall solicit a campaign contribution in a state office building.
 50 Senators shall not operate political campaigns or operate political fund-raising campaigns
 51 from state office buildings which have not been leased or rented for such purposes.

52 (b) Senators shall not agree to, or threaten to withhold, political action or constituent
 53 services as a result of a person's decision to provide or not to provide a political
 54 contribution, charitable contribution, or support.

55 ~~1-4.3~~ **1-4.4 Conflicts of Interest**

56 (a) Senators and staff shall avoid financial conflicts of interest and close economic
 57 associations where official action or decisions are motivated not by public duty but by
 58 economic self-interest or association. 'Financial conflicts of interest and close economic
 59 associations' are defined as those financial interests or interests arising from close
 60 economic associations with other persons or entities which are so material, direct, distinct,

61 unique, and peculiar to the Senator or staff that it might reasonably be expected that
62 impartial official judgment could not be exercised.

63 (b) No Senator or staff shall seek, accept, or retain employment which: makes it
64 unreasonably difficult to fulfill legislative obligations; requires the disclosure or use of
65 nonpublic or confidential information acquired in the course of legislative service; requires
66 improper use of government relationships or the prestige associated with legislative offices;
67 or will require the Senator or staff to compromise any other ethical or legal duty.

68 ~~1-4.4~~ **1-4.5 Special Treatment; Acceptance of Things of Value**

69 (a) No Senator or staff, acting as an attorney or representative of another, shall seek or
70 accept any special treatment not otherwise approved by law or judicial order because of his
71 or her legislative role.

72 (b) No Senator or staff shall accept anything of value when such thing of value is offered
73 with the understanding that official action will be taken or withheld by a Senator or staff
74 in consideration of acceptance of that which is offered. Any offer made which is
75 conditioned upon the taking or withholding of official action shall immediately be reported
76 in writing to the ~~Chairman of the Committee on Ethics~~ Secretary of the Senate. (O.C.G.A.
77 16-10-2.)

78 ~~1-4.5~~ **1-4.6 Crimes of Moral Turpitude and Controlled Substances**

79 No Senator or staff shall knowingly commit any crime involving moral turpitude or
80 knowingly possess, use, manufacture, or distribute any controlled substance, dangerous
81 drug, marijuana, or alcoholic beverage in violation of any state or federal law or any county
82 or municipal ordinance. Conviction of any such crime, the acceptance of a plea of guilty
83 or nolo contendere to any such crime, or imposition of payment of a criminal or
84 administrative penalty for any such crime shall constitute a violation of this Rule.

85 ~~1-4.6~~ **1-4.7 Sexual Harassment**

86 (a) The Senate is committed to providing a healthy and appropriate work environment for
87 legislators, legislative employees, interns, aides, and other state employees which is free
88 from sexual harassment. Sexual harassment will not be tolerated.

89 (b) Senators and staff are expected to discourage sexual harassment in the workplace and
90 at events, professional meetings, seminars, or any activities that involve legislative
91 business.

92 (c) 'Sexual harassment' means making unwelcome sexual advances, requesting sexual
93 favors, or other verbal or physical conduct of a sexual nature when:

- 94 (1) Submission to such conduct is made explicitly or implicitly a term or condition of an
 95 individual's employment;
- 96 (2) Submission to or rejection of such conduct by an individual is used as a basis for
 97 employment decisions affecting the employee; or
- 98 (3) Such conduct interferes with the employee's work performance or creates an
 99 intimidating, hostile, or offensive work environment.
- 100 (d) The provisions of this Rule apply to Senators, officers of the Senate, and Senate staff,
 101 ~~and Senate aides, interns, and volunteers.~~
- 102 (e) ~~Complaints may be brought by Senators, Senate staff, and Senate aides, interns, and~~
 103 ~~volunteers under the provisions of Rule 1-4.10, provided, however, that complaints against~~
 104 ~~staff (other than officers of the Senate), aides, or interns shall be brought in accordance~~
 105 ~~with the Georgia General Assembly Employee Handbook, November 2013 edition.~~
 106 ~~Senators, Senate staff, and Senate aides, interns, and volunteers will be subject to sanctions~~
 107 ~~proportionate to the seriousness of the offense~~ Senate staff is required to report any conduct
 108 that they believe violates this Rule to their supervisor or to the General Assembly's Director
 109 of Human Resources. A supervisor who receives such report shall notify the General
 110 Assembly's Director of Human Resources of the report. A supervisor who does not take
 111 appropriate action when the supervisor knows or has reason to suspect that harassment is
 112 occurring is also subject to sanctions proportionate to the seriousness of the offense.

113 ~~1-4.7~~ **1-4.8 Discriminatory Harassment**

- 114 (a) The Senate is committed to providing a healthy and appropriate work environment for
 115 legislators, legislative employees, interns, aides, and other state employees which is free
 116 from discriminatory harassment. Discriminatory harassment will not be tolerated.
- 117 (b) 'Discriminatory harassment' means unwelcome conduct that is based on race, color,
 118 religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic
 119 information where:
- 120 (1) Enduring the offensive conduct becomes a condition of continued employment; or
 121 (2) The conduct is severe or pervasive enough to create a work environment that a
 122 reasonable person would consider intimidating, hostile, or abusive.
- 123 (c) The provisions of this Rule apply to Senators, officers of the Senate, and Senate staff;
 124 ~~and Senate aides, interns, and volunteers.~~
- 125 (d) ~~Complaints may be brought by Senators, Senate staff, and Senate aides, interns, and~~
 126 ~~volunteers under the provisions of Rule 1-4.10, provided, however, that complaints against~~
 127 ~~staff (other than officers of the Senate), aides, or interns shall be brought in accordance~~
 128 ~~with the Georgia General Assembly Employee Handbook, November 2013 edition.~~
 129 ~~Senators, Senate staff, and Senate aides, interns, and volunteers will be subject to sanctions~~

130 ~~proportionate to the seriousness of the offense~~ Senate staff is required to report any conduct
 131 that they believe violates this Rule to their supervisor or to the General Assembly's Director
 132 of Human Resources. A supervisor who receives such report shall notify the Director of
 133 Human Resources of the report. A supervisor who does not take appropriate action when
 134 the supervisor knows or has reason to suspect that harassment is occurring is also subject
 135 to sanctions proportionate to the seriousness of the offense.

136 ~~1-4.8~~ **1-4.9 Standard of Conduct**

137 ~~All contact with constituents, staff, lobbyists, representatives of the media, and others~~
 138 ~~interested or involved in the process of government shall be conducted in a courteous,~~
 139 ~~professional, and discreet manner~~ No member of the Senate, officer of the Senate, or
 140 Senate staff shall engage in improper conduct which may reflect negatively upon the
 141 Senate, is a violation of the law, or is a violation of the Standards of Conduct and Ethics
 142 under Part 3 or 4 of Section One of the Rules of the Senate.

143 ~~1-4.9~~ **Opinions and Advice Regarding the Senate Rules**

144 ~~A Senator or staff member may request in writing the opinion or advice of the Committee~~
 145 ~~on Ethics with regard to interpretation of any section of Part 4 of Section One. The~~
 146 ~~Committee on Ethics shall expeditiously respond in writing to such request. All requests~~
 147 ~~for opinions or advice or any opinion or advice given shall be confidential.~~

148 **1-4.10 Committee on Ethics**

149 (a) Purpose: The Committee on Ethics (the Committee) is a committee created by the
 150 Senate and shall be construed to function in furtherance of the powers conferred upon the
 151 Senate by Article III, Section IV, Paragraph VII of the Constitution of this state. As a
 152 Committee of the Senate, neither it nor any staff or material in its possession shall be
 153 deemed to be a public office or records of a public office; provided however, the
 154 Committee may by rule provide for the release of information or documents received by
 155 it in the course of the performance of its duties.

156 (b) Authority to Take Official Action: The Committee is authorized to meet and to take
 157 official action on matters within its jurisdiction at any time including during the periods
 158 after adjournment sine die and prior to the convening of the next legislative session.

159 (c) Jurisdiction: The Committee is authorized to:

160 (1) Investigate any matter referred to it by the Senate and report its findings and
 161 recommendations, if any, to the Senate;

162 (2) Receive and investigate properly filed complaints alleging that a Senator or officer
 163 of the Senate engaged in improper conduct that may reflect negatively upon the Senate,

164 violated the law, or violated any rule under Part 3 or 4 of Section One of the Rules of the
 165 Senate;

166 (3) Initiate an inquiry on its own initiative of improper conduct that is within the
 167 jurisdiction of the Committee;

168 (4) Recommend, when appropriate, disciplinary action against members of the Senate
 169 or officers of the Senate;

170 (5) Recommend to the Senate rules or policies that may be necessary to ensure
 171 appropriate Senate standards of conduct;

172 (6) Report violations of law to appropriate law enforcement authorities; and

173 (7) Render advisory opinions on the application of Parts 3 and 4 of Section One of the
 174 Rules of the Senate.

175 (d) Membership and Quorum: The Committee shall be composed of the President Pro
 176 Tempore, the Majority Leader, the Majority Whip, the Minority Leader, the Minority
 177 Whip, and eight other members appointed by the Committee on Assignments. The
 178 President Pro Tempore, the Majority Leader, the Majority Whip, the Minority Leader, and
 179 the Minority Whip shall be ex officio members of the Committee. The quorum for the
 180 Committee shall be a majority of its regular members, not including the ex officio
 181 members. However, the ex officio members may be counted for purposes of determining
 182 the existence of a quorum.

183 (e) Disqualification and Recusal: A member of the Committee shall be ineligible to
 184 participate in any Committee proceeding, preliminary inquiry, or adjudicatory review of
 185 a matter which he or she filed or to which he or she is the complainant or respondent. A
 186 member of the Committee may recuse himself or herself from a matter before the
 187 Committee at any time. Either the complainant or the respondent may petition the
 188 Committee to disqualify a member of the Committee from participating in proceedings
 189 related to the complaint. Such petition shall be granted if the Committee believes, by a
 190 majority vote, that good cause is shown for disqualification. In the event a member of the
 191 Committee is disqualified or recused, the Committee on Assignments shall appoint a
 192 member of the Senate to the Committee to serve during the period of such disqualification
 193 or recusal. Such appointee shall be a member of the same party as that of the disqualified
 194 or recused member.

195 **1-4.10 1-4.11 Ethics Complaints**

196 (a)(1) ~~A~~ Any person may file a complaint alleging a violation of any section of that any
 197 Senator, officer of the Senate, or member of the Senate staff has engaged in improper
 198 conduct that reflects negatively upon the Senate, violated the law, or violated any Senate

199 Rule under Part 3 or 4 of Section One of these Rules, provided that: may only be brought
 200 by a Senator or Senate staff, aides, or interns

201 (A) No complaint shall be filed against any person for conduct that was not prohibited
 202 when the conduct occurred;

203 (B) The Committee shall not have jurisdiction to investigate an act or conduct that
 204 occurred more than two (2) years prior to the date the complaint is filed; and

205 (C) The Committee shall not take any action on a complaint filed against any member
 206 of the Senate or officer of the Senate, who is a candidate for elected office, after such
 207 person has qualified as a candidate, until such election is certified by the Secretary of
 208 State. Complaints that are barred from filing pursuant to this subparagraph may be filed
 209 within 30 days of the certification of the election.

210 (2) All complaints against a member of the Senate, an officer of the Senate, or a member
 211 of the Senate staff shall be filed according to this rule. A Such complaint shall be
 212 initiated by filing a complaint it with the Secretary of the Senate who shall ensure that the
 213 complaint is timely and properly completed before it is accepted for filing. The Secretary
 214 will retain the original complaint and all related documents as confidential material until
 215 such time as the Committee or the Senate has released such information. The Secretary
 216 shall prescribe a form for such complaints and provide for instructions necessary to
 217 properly submit a complaint. The complaint shall:

218 (A) Specifically specifically describing the nature of the alleged violation and the party
 219 or parties involved and shall be include a statement by the complainant as to whether
 220 or not in filing the complaint he or she is acting as an agent, paid or otherwise, for any
 221 other person;

222 (B) Include a statement by the complainant that he or she will abide by the Rules of the
 223 Senate and the rules of the Committee, including the rules related to confidentiality.
 224 Failure to adhere to these rules may result in the dismissal of the complaint and subject
 225 the offending person to sanctions and the contempt powers of the Senate; and

226 (C) Be signed by the complainant and verified under oath. The complaint form shall
 227 notify the complainant that any person who knowingly provides false information in
 228 executing the complaint under this rule commits the offense of false swearing within
 229 the meaning of Code Section 16-10-71.

230 (3) Upon the filing of a complaint, the Secretary shall promptly refer the complaint as
 231 follows:

232 (A) If the complaint is against a member of the Senate, or an officer of the Senate, to
 233 the Chairman of the Senate Committee on Ethics. A copy of the complaint shall be
 234 provided to the President of the Senate. If the subject of the complaint is ~~If the~~
 235 complainant is directly supervised by the Secretary of the Senate and he or she has a

236 ~~complaint against the Secretary of the Senate, then such complaint shall be filed with~~
 237 ~~the President Pro Tempore. The person receiving such complaint shall maintain the~~
 238 ~~original complaint in confidence and shall promptly deliver a copy of the complaint to~~
 239 ~~the Chairman of the Committee on Ethics, unless the subject of the complaint is the~~
 240 ~~chairman of the committee and in such event such complaint shall be delivered to the~~
 241 ~~Vice-chairman of the Committee on Ethics who shall oversee all matters pertaining to~~
 242 ~~such complaint and shall act as Chairman of the Committee on Ethics for such~~
 243 ~~complaint. The Committee on Ethics (hereinafter in this Rule "the Committee") shall~~
 244 ~~promptly serve the named respondent with a copy of the complaint by personal service~~
 245 ~~or by certified mail, return receipt requested, or electronically if agreed to by the~~
 246 ~~respondent~~ If the complaint is against the Secretary of the Senate, such complaint shall
 247 be filed with the President Pro Tempore of the Senate; and

248 (B) If the complaint is against a member of the Senate staff, the Secretary shall
 249 promptly deliver a copy of the complaint to the department director who supervises the
 250 respondent and to the General Assembly's Director of Human Resources. Complaints
 251 against members of the Senate staff shall be addressed administratively in accordance
 252 with applicable policies of the Senate or General Assembly and not through the
 253 Committee.

254 ~~(2) Any complaint under Part 6 of Article 2 of Chapter 10 of Title 45 of the O.C.G.A.~~
 255 ~~shall be brought, filed, and served as provided in said part.~~

256 (b) Complaints Initiated by the Committee: The Committee may initiate an ethics
 257 investigation on its own initiative by majority vote of the Committee. If the Committee
 258 issues a complaint, it shall do so within a reasonable time following the Committee's
 259 initiation of such investigation by a majority of the Committee signing a complaint that
 260 specifically describes the nature of the alleged violation and the party or parties involved.
 261 The Committee shall promptly serve the respondent with a copy of the complaint and
 262 service of such complaint shall be by personal service or by certified mail, return receipt
 263 requested, or electronically if agreed to by the respondent.

264 (c) Confidentiality:

265 (1) Preliminary Inquiry: Any complaint brought by or before the Committee and all
 266 records and information related to such complaint shall remain confidential until the
 267 Committee has determined that ~~reasonable grounds~~ substantial credible evidence exists
 268 which provides substantial cause to believe that a violation of Part 4 of Section One of
 269 ~~these Rules or any violation of Part 6 of Article 2 of Chapter 10 of Title 45 of the~~
 270 ~~O.C.G.A. an act within the jurisdiction of the Committee has occurred.~~ If the Committee
 271 determines that ~~reasonable~~ substantial ~~cause to believe that such violation~~ does not exist,
 272 the complaint shall be dismissed and all records and information related to such

273 complaint shall remain confidential. The Committee, by a majority vote, may waive the
274 confidentiality requirements of this subparagraph upon the request of either party to the
275 complaint or on its own initiative.

276 (2) Settlement: Any settlement reached between the Committee and the respondent
277 pursuant to division (d)(4)(D) of this rule shall be a matter of public record and filed with
278 the Secretary of the Senate.

279 (3) Adjudicatory Hearing: Adjudicatory hearings to determine whether a violation
280 within the jurisdiction of the Committee has occurred shall be open to the public. The
281 Committee, by a majority vote, may hold any, some, or all of its meetings in executive
282 session upon the request of either party to the complaint or on its own initiative.

283 (4) Access to Confidential Information: Each member of the Committee and other
284 persons as authorized by the Committee shall have access to all confidential information
285 and materials. The Committee shall establish such procedures as may be appropriate and
286 necessary to prevent the unauthorized disclosure of confidential information and material.
287 Such procedures may include the designation of a secure location at which members of
288 the Committee and others as authorized by the Committee can review confidential
289 information and materials.

290 (5) The Committee shall investigate all alleged breaches of confidentiality under this
291 subparagraph.

292 (d) Preliminary Inquiry:

293 (1) Service on Respondent: After the chairman receives a complaint, either pursuant to
294 this Rule or pursuant to Code Section 45-10-91, the Committee or a subcommittee thereof
295 appointed by the chairman shall preliminarily investigate the complaint. Upon receipt of
296 the complaint, the chairman shall promptly serve the named respondent with a copy of
297 the complaint by personal service, or by certified mail return receipt requested, or
298 electronically if agreed to by the respondent.

299 (2) Preliminary Inquiry Subcommittee: The Chairman, the President Pro Tempore, the
300 Majority Leader, the Majority Whip, the Minority Leader, and the Minority Whip shall
301 constitute the Preliminary Inquiry Subcommittee. The subcommittee may meet by
302 teleconference. Meetings of the subcommittee shall not be open to the public, and all
303 information and documents in possession of the subcommittee shall remain confidential
304 unless released by the Committee or the Senate.

305 (3) Conduct of the Inquiry:

306 (A) After receipt of the complaint, the chairman shall promptly convene a meeting of
307 the Preliminary Inquiry Subcommittee for the purpose of determining whether
308 substantial credible evidence which provides substantial cause to conclude that a
309 violation within the jurisdiction of the Committee occurred. The preliminary inquiry

310 may include inquiries, sworn statements, depositions, and other appropriate means of
 311 determining the facts of the matter under inquiry. The subcommittee is authorized to
 312 secure the assistance of the Secretary of the Senate, Legislative Counsel, and other
 313 Senate staff as it deems appropriate. It may also retain and compensate counsel or other
 314 experts not employed by the General Assembly provided that funding for such outside
 315 counsel or expert is approved by the Committee on Administrative Affairs.

316 (B) The respondent shall be afforded the opportunity to respond to the complaint
 317 before the subcommittee makes its determination. Such response may be oral or in
 318 writing, with or without counsel.

319 ~~(e)~~(4) Upon completion of a preliminary ~~investigation~~ inquiry, which shall include an
 320 assessment of jurisdiction, the ~~individuals conducting the investigation~~ Preliminary
 321 Inquiry Subcommittee shall prepare a written report detailing ~~their~~ its findings and shall
 322 present such report to the members of the Committee. Any report of the Preliminary
 323 Inquiry Subcommittee must be adopted by a majority vote of those members to which the
 324 subcommittee is entitled, one vote of which shall be from a member of the minority party.
 325 Such report shall remain confidential except as provided in paragraph (c) of this rule.
 326 Upon receipt of the report of the subcommittee, the Committee may make any of the
 327 following determinations:

328 (A) The Committee shall determine whether it has jurisdiction over the complaint. If
 329 the Committee determines it does not have jurisdiction over the complaint, in which
 330 case it shall dismiss the complaint, with written notice to the complainant and
 331 respondent and such Such matter shall remain confidential except as provided in
 332 paragraph (c) of this rule. If the Committee dismisses the complaint for lack of
 333 jurisdiction, it may proceed pursuant to paragraph (b). If the Committee determines it
 334 has jurisdiction, but does not find that reasonable grounds to believe that a violation of
 335 Part 4 of Section One of these Rules or any violation of Part 6 of Article 2 of Chapter
 336 10 of Title 45 of the O.C.G.A. occurred, it shall dismiss the complaint with written
 337 notice to the complainant and the respondent and such

338 (B) No such substantial credible evidence exists in which case it shall dismiss the
 339 complaint. The Committee may delegate to its subcommittee the authority to dismiss
 340 any matter that it determines, after a preliminary inquiry, lacks substantial credible
 341 evidence. Such matter shall remain confidential except as provided in paragraph (c) of
 342 this rule.

343 (C) There is substantial credible evidence but the alleged violation is inadvertent,
 344 technical, or de minimis in nature, in which case the Committee may dispose of the
 345 matter by issuing a public or private letter of admonition which shall not be considered
 346 discipline.

347 (D) There is substantial credible evidence and votes to proceed to an adjudicatory
 348 hearing. If the Committee determines it has jurisdiction and finds reasonable grounds
 349 to believe that a violation of Part 4 of Section One of these Rules or any violation of
 350 Part 6 of Article 2 of Chapter 10 of Title 45 of the O.C.G.A. occurred, Prior to
 351 conducting an adjudicatory hearing, the Committee may negotiate a settlement with the
 352 respondent or set the matter for a hearing. Any negotiated settlement shall be a matter
 353 of public record and shall be filed with the Secretary of the Senate. If a negotiated
 354 settlement is not reached, the Committee will hold open hearings, taking any relevant
 355 evidence that addresses the complaint.

356 ~~(f) Any negotiated settlement shall be a matter of public record and shall be filed with the~~
 357 ~~Secretary of the Senate.~~

358 ~~(g)(e) Adjudicatory Hearing: If a negotiated settlement is not reached, the Committee will~~
 359 ~~hold open hearings, taking any relevant evidence that addresses the complaint. In the event~~
 360 ~~the Committee votes to proceed to an adjudicatory hearing and no negotiated settlement~~
 361 ~~is reached, the chairman shall set the matter for an adjudicatory hearing which shall be~~
 362 ~~open to the public unless the Committee decides by a majority vote to hold part or all of~~
 363 ~~the adjudicatory hearing in executive session. The Committee may require the attendance~~
 364 ~~and testimony of witnesses and the production of documents and materials which the~~
 365 ~~Committee deems advisable and may administer oaths and affirmations. The respondent~~
 366 ~~shall receive reasonable notice of any hearing and shall be entitled to receive within a~~
 367 ~~reasonable time before the hearing copies of access to all relevant material before the~~
 368 ~~Committee that is not otherwise exempt from disclosure under Article 4 of Chapter 18 of~~
 369 ~~Title 50 of the O.C.G.A.; In addition, the respondent shall be entitled to secure counsel~~
 370 ~~of his or her choosing; and to examine any witnesses who may be called by the Committee~~
 371 ~~to appear at any hearing. The respondent shall also have the right to call witnesses and~~
 372 ~~present evidence at any hearing. The Committee shall assure that all hearings are recorded.~~
 373 ~~The Committee shall have the burden of proof. Both the Committee and the respondent~~
 374 ~~shall be entitled to rebuttal. Upon completion of such hearing, the Committee shall issue~~
 375 ~~a report of its findings and recommendations of action. The Committee's report and~~
 376 ~~recommended action shall be a matter of public record and shall be filed with the Secretary~~
 377 ~~of the Senate.~~

378 ~~(h)(f) The Committee must find 'clear and convincing evidence' in order to conclude that~~
 379 ~~a violation of Part 4 of Section One of these Rules or a violation of Part 6 of Article 2 of~~
 380 ~~Chapter 10 of Title 45 of the O.C.G.A. within the jurisdiction of the Committee has~~
 381 ~~occurred.~~

382 ~~(i)(g) If the Committee finds a Senator in that a violation of Part 4 of Section One of these~~
 383 ~~Rules or of Part 6 of Article 2 of Chapter 10 of Title 45 of the O.C.G.A. within the~~

384 jurisdiction of the Committee has occurred, it may recommend to the Senate a sanction or
 385 penalty including a letter of reprimand or any penalty as set forth in the Georgia
 386 Constitution under Article III, Section IV, Paragraph VII. The Senate may independently
 387 initiate action against a Senator pursuant to the Georgia Constitution, art. III, sec. IV, par.
 388 VII.

389 ~~(j) If the Committee finds a Senate staff member, aide, intern, or volunteer in violation of~~
 390 ~~Part 4 of Section One of these Rules, it may recommend a sanction or penalty, up to and~~
 391 ~~including dismissal, to the Committee on Administrative Affairs. The Committee on~~
 392 ~~Administrative Affairs may implement the recommendation of the Committee or take~~
 393 ~~alternate action, including dismissing the complaint, issuing a lesser penalty, or issuing a~~
 394 ~~harsher penalty than that recommended by the Committee.~~

395 ~~(k)~~(h) Persons who report to the Committee regarding an alleged violation of Part 4 of
 396 Section One of these Rules, or any other government entity regarding such violation, shall
 397 not be subjected to reprisal, retaliation, harassment, discrimination, or ridicule by Senators
 398 or staff, nor shall the confidentiality provisions contained herein be abridged.

399 (i) If a complaint is deemed frivolous by an affirmative vote of the Committee, or if a party
 400 or witness breaches the Rules of the Senate or the Committee, the Committee may take
 401 such action as it deems appropriate, including referral to the Senate with a recommendation
 402 for sanctions, if any. Such sanctions may include, but not be limited to, any or all of the
 403 following: that the person be reprimanded, be required to reimburse the cost associated
 404 with the complaint, be fined, or be otherwise sanctioned under the contempt powers of the
 405 Senate as provided by the Constitution of this state.

406 ~~1-4.11~~ **1-4.12** **Distribution of Rules; Educational Seminars**

407 The Secretary of the Senate shall distribute a copy of Senate Rules to all Senators and staff.
 408 The Committee on Ethics shall, when deemed appropriate, conduct seminars or other
 409 educational programs designed to inform Senators, staff, or other interested parties of the
 410 provisions of these Rules, especially Part 4 of Section One, as well as statutes relating to
 411 ethical standards and conduct, sexual harassment, and discrimination.

412 **1-4.13** **Distribution and Advice Regarding the Senate Rules**

413 A member of the Senate, an officer of the Senate, or an employee of the Senate may
 414 request in writing the opinion or advice of the Committee with regard to interpretation of
 415 any section of Part 4 of Section One of these rules. The Committee shall respond
 416 expeditiously in writing to such request. All requests for opinions or advice or any opinion
 417 or advice given shall be confidential."

418 **SECTION 3.**

419 Said rules are further amended by revising Rule 2-1.1 as follows:

420 **"2-1.1 Committee on Assignments**

421 The Committee on Assignments shall be composed of the President of the Senate, the
 422 President Pro Tempore of the Senate, the Majority Leader, and two Senators appointed by
 423 the President of the Senate. The President of the Senate or his designee shall serve as chair
 424 of the committee. The chair shall vote only to break a tie. Actions of this committee shall
 425 be reported to the Senate by the committee chairperson as necessary. The committee is
 426 authorized to meet and take official action after adjournment sine die of a session and prior
 427 to the convening of the next session. The meetings of this committee shall be closed to the
 428 public."

429 **SECTION 4.**

430 Said rules are further amended by revising Rule 2-1.2 as follows:

431 **"2-1.2 Committee on Administrative Affairs**

432 There shall be a Committee on Administrative Affairs composed of the President of the
 433 Senate, the President Pro Tempore, the Majority Leader, the Minority Leader, the Secretary
 434 of the Senate, and three members appointed by the President of the Senate. This committee
 435 shall have the responsibility of employing, supervising, disciplining, and setting the
 436 compensation of all aides, secretaries, and other personnel for the Senate, including the
 437 Senate Budget and Evaluation, Senate Press and Senate Research offices. The committee
 438 shall supervise the purchase and allotment of supplies for the Senate. This committee shall
 439 also supervise and approve all out-of-state travel of members of the Senate and staff. The
 440 committee shall be chaired by the President Pro Tempore or his or her designee. The
 441 committee is authorized to meet and take official action after adjournment sine die of a
 442 session and prior to the convening of the next session."

443 **SECTION 5.**

444 Said rules are further amended by revising paragraph (a) of Rule 2-1.3 as follows:

445 "(a) The Committee on Assignments shall appoint the members of standing committees
 446 and the maximum number of Senators which may serve on that committee as follows:

447	Agriculture and Consumer Affairs	9
448	Appropriations	30
449	Banking and Financial Institutions	10
450	Economic Development and Tourism	12
451	Education and Youth	10
452	Ethics	13

453	Finance	11
454	Government Oversight	11
455	Health and Human Services	14
456	Higher Education	9
457	Insurance and Labor	9
458	Interstate Cooperation	5
459	Judiciary	12 10
460	Natural Resources and the Environment	11
461	Public Safety	8
462	Reapportionment and Redistricting	15
463	Regulated Industries and Utilities	11
464	Retirement	7
465	Rules	14
466	Science and Technology	5
467	Special Judiciary	9
468	State and Local Governmental Operations	7
469	State Institutions and Property	7
470	Transportation	10
471	Urban Affairs	11
472	Veterans, Military, and Homeland Security	8"

473 **SECTION 6.**

474 Said rules are further amended by revising paragraph (a) of Rule 2-1.5 as follows:

475 "(a) A committee may act upon a bill, resolution, or other matter when the Senate is in
 476 session or during a recess or adjournment after the opening day of a regular session and
 477 prior to the last day of that session. When a committee so acts during a day of recess or
 478 adjournment, the Secretary of the Senate may accept the report of the committee on such
 479 day, and the committee report shall be received and read by the Senate on the next day
 480 when the Senate is in session. A standing committee may not take official action after the
 481 adjournment sine die of a session and prior to the convening of the next session unless
 482 authorized by statute or by the Senate."

483 **SECTION 7.**

484 Said rules are further amended in Rule 2-1.10 by adding a new paragraph to read as follows:

485 "(c) During the last five (5) legislative days, the Committee on Rules may recommend that
 486 any bill or resolution on the General Calendar be amended or substituted prior to placing

487 the bill on the Rules Calendar. Any such substitute shall be considered and agreed to or
 488 rejected prior to the consideration of a substitute reported by any other committee."

489 **SECTION 8.**

490 Said rules are further amended by revising paragraph (c) of Rule 3-1.2 as follows:

491 "(c) No general House bill or resolution, having the effect of law shall be accepted by the
 492 Secretary of the Senate for first reading and referral to committee after ~~the twenty-eighth~~
 493 ~~(28th)~~ a day agreed upon by the Senate and the House of Representatives which shall not
 494 be earlier than the twenty-fifth (25th) day of any regular session, which shall be known as
 495 the crossover day. Referral of House legislation received on the ~~twenty-eighth (28th)~~
 496 ~~legislative crossover~~ day may be made during the Order of Business of First Reading and
 497 Reference of House Bills and Resolutions on the ~~twenty-ninth (29th)~~ next legislative day
 498 following such crossover day. The provisions of this paragraph shall in no case be
 499 suspended except by a two-thirds (2/3) vote of the members to which the Senate is entitled;
 500 provided that this rule may be suspended by a majority vote on general and supplemental
 501 appropriations bills."

502 **SECTION 9.**

503 Said rules are further amended by revising Rule 3-1.5 as follows:

504 **"3-1.5 Receipt of House Bills on the 28th Crossover Day**

505 When a general bill or resolution is received from the House during a period when the
 506 Senate is in recess on the ~~twenty-eighth (28th) day of a regular session~~ crossover day, the
 507 bill or resolution may be read and referred to a standing committee by the President of the
 508 Senate during such period of recess. The Secretary of the Senate shall maintain a public
 509 listing of all bills so read and referred. Any Senator who desires to move to engross any
 510 such bill or resolution must serve written notice of his or her intention to do so by
 511 delivering such written notice to the Secretary before midnight of that ~~twenty-eighth (28th)~~
 512 crossover day. When notice is so given, further proceedings on a motion to engross shall
 513 be as provided in Rule 6-9.1(b), except as otherwise provided in this Rule."

514 **SECTION 10.**

515 Said rules are further amended by revising paragraph (a) of Rule 3-3.1 as follows:

516 "(a) Upon receiving the name of any person whose appointment to public office requires
 517 Senate confirmation, the President of the Senate shall refer such appointments to the
 518 Committee on Assignments. Such referral shall be made no later than the legislative day
 519 after receipt. The Committee on Assignments shall consider such appointments and may
 520 refer such appointments to one or more standing committees and shall instruct the

521 Secretary of the Senate to notify the Senate that the names of such appointees have been
 522 received. Except for appointments to the Judicial Qualifications Commission which shall
 523 be submitted pursuant to statute, no appointees shall be considered for confirmation by the
 524 Senate unless the names of such appointees are received by the President of the Senate
 525 prior to the ~~twentieth (20th)~~ tenth (10th) legislative day. However, no appointments may
 526 be considered by the Senate until the expiration of seventy-two (72) hours after receipt
 527 thereof by the President of the Senate, or until the expiration of forty-eight (48) hours after
 528 being referred to the Committee on Assignments. The Secretary of the Senate shall make
 529 the names of appointees submitted to the Senate for confirmation available for review by
 530 any Senator. The chair of the standing committee or committees to which the appointment
 531 may have been referred shall cause such appointment or appointments to be considered by
 532 the committee within a reasonable period of time after receiving the referral. The chair of
 533 the standing committee or committees to which the appointments may have been referred
 534 shall then report the committee's recommendations to the Committee on Assignments
 535 which shall report its recommendations to the full Senate."

536 **SECTION 11.**

537 Said rules are further amended by revising paragraphs (a) and (b) of Rule 3-3.2 as follows:

538 "(a) In order for local legislation to be favorably reported by the Committee on State and
 539 Local Governmental Operations, such legislation must be signed by a majority of the
 540 Senators representing the political subdivision affected by such legislation. For the purpose
 541 of determining which Senator or Senators represent a political subdivision, the Senator's
 542 district must include all or a portion of the geographical area of the political subdivision
 543 affected by the local legislation. If an even number of Senators representing multi-member
 544 political subdivisions are equally divided on any local legislation, the legislation may be
 545 considered by the Committee on State and Local Governmental Operations on its merits,
 546 and the committee may report the legislation to the Senate with the recommendation that
 547 it 'do pass' or 'do not pass.'

548 ~~(b) For the purpose of determining which Senator or Senators represent a political~~
 549 ~~subdivision, the Senator's district must include all or a portion of the geographical area of~~
 550 ~~the political subdivision affected by the local legislation.~~ Annexation bills shall be
 551 assumed to affect other municipalities and the county in which they are located. If an
 552 annexation bill affects more than one senatorial district, the bill must be signed by ~~the~~
 553 ~~Senate delegation~~ a majority of the Senators representing all the affected counties and
 554 municipalities."

555 **SECTION 12.**

556 Said rules are further amended by revising paragraph (a) of Rule 4-2.9 as follows:

557 "(a) All bills and resolutions shall be called in the order in which they appear on the Rules
558 Calendar. On the days on which there is no Rules Calendar, bills shall be called in
559 numerical order. No general Senate bill or resolution having the effect of law shall be read
560 the third time and put upon its passage or adoption after the ~~twenty-eighth (28th)~~ crossover
561 day of any regular session. No general House bill or resolution having the effect of law
562 shall be read the third time and put upon its passage or adoption after the thirty-ninth (39th)
563 day of any regular session except that this prohibition shall not apply to a bill or resolution
564 which was laid on the table on the thirty-ninth (39th) day. The provisions of this paragraph
565 shall in no case be suspended except by a two-thirds (2/3) vote of the members to which
566 the Senate is entitled."

567 **SECTION 13.**

568 Said rules are further amended by revising paragraph (b) of Rule 5-1.3 as follows:

569 "(b) The President's method of stating the question on any motion for a ~~voice vote~~ division
570 of the Senate shall be as follows: 'All those who favor the motion shall rise, stand and be
571 counted'; after a count is had by the Secretary of the Senate, he or she shall call upon the
572 Senators to 'Reverse your position,' and the President shall announce the result."

573 **SECTION 14.**

574 Said rules are further amended by revising paragraph (c) of Rule 6-7.1 as follows:

575 "(c) A notice of motion to reconsider a bill or resolution shall take precedence over a
576 motion to transmit and shall have the effect of defeating the motion to transmit; except on
577 the ~~twenty-eighth (28th)~~ crossover day and during the last three (3) days of any regular
578 session, a Senator must give notice immediately of his or her intention to move to
579 reconsider, and the President or the designee of the President shall set a time during the day
580 when the motion will be entertained, so stating the time to the Senate; the time shall be at
581 the discretion of the President or the designee of the President, but not less than ten
582 minutes. If the Senate is considering any other business at the time the motion to
583 reconsider has been set to be entertained, the motion will be taken up upon conclusion of
584 that business."

585 **SECTION 15.**

586 Said rules are further amended by revising Rule 9-1.4 by adding a new paragraph to read as
587 follows:

588 "(d) All persons entering the Senate chamber shall be dressed in attire appropriate to the
 589 Senate. No person shall be admitted on the floor of the Senate bearing a placard, display,
 590 banner, or sign unless authorized by the President. All buttons, signs, or articles of clothing
 591 that promote a candidate for public office are prohibited."

592 **SECTION 16.**

593 Said rules are further amended by revising paragraph (d) of Rule 9-1.9 as follows:

594 "(d) The ~~President of the Senate~~ Committee on Administrative Affairs shall issue media
 595 credentials, and the Secretary of the Senate shall certify such credentials and issue
 596 identification badges as appropriate. The Sergeant at Arms, with the assistance of the
 597 Director of the Senate Press Office, is specifically charged with enforcing this Rule.
 598 Credentials may be revoked at any time for failure to observe the Rules of the Senate."

599 **SECTION 17.**

600 Said rules are further amended by revising Rule 9-1.16 as follows:

601 **"9-1.16 Gallery and Senate Environs**

602 (a) Expressions of approval or disapproval are not permitted in the Senate gallery.

603 (b) Applause, hisses, shouting, or other disruptive noise in the gallery, lobbies, or hallways
 604 in the immediate environs of the Senate during any legislative proceeding shall be promptly
 605 suppressed. Placards, displays, banners, and signs in these areas are prohibited and shall
 606 be removed promptly.

607 (c) The use of cameras, including cell phone cameras and similar devices, is prohibited in
 608 the Senate gallery unless expressly authorized by the President.

609 (d) The President shall have power to ~~cause the galleries and lobbies of the Senate take any~~
 610 action deemed necessary to maintain decorum in the Senate chamber, the Senate lobbies,
 611 the Senate gallery, and the immediate environs of the Senate. Such actions include, but are
 612 not limited to, causing these areas to be cleared by the ~~Sergeant at Arms~~ in case of
 613 disturbance or disorderly conduct therein, and to cause any person or persons so offending
 614 to be arrested and brought before the bar of the Senate to be dealt with for contempt of the
 615 Senate.

616 (e) The Committee on Administrative Affairs may establish guidelines addressing
 617 appropriate conduct and activity in the ~~gallery~~ Senate lobbies, the Senate galleries, and the
 618 immediate environs of the Senate."