

MINUTES

Joint Committee on Legislative Services and Facilities

July 16, 1970

A meeting of the Joint Committee on Legislative Services and Facilities was held Thursday, July 16, 1970, at 9:00 a.m. in Room 535 of the Statehouse. Chairman Ross Doyen presided, and members present were Representatives Bell, Loux, Mankin, Ossmann, and Strowig, and Senators Smith and Warren. Staff members present were Mr. William Bachman, Secretary; Mr. Fred Carman, Revisor's Office; Dr. J. W. Drury, Mr. Richard Ryan, and Mr. Ben Barrett, of the Research Department. Guests of the Committee were Mr. William Hale, State Architect; Mr. Bob Hougland, State Architect's Office; Mr. Bob Hood, Administrative Assistant to the State Architect; and Mr. Jim Durham, Southwestern Bell Telephone Company.

Mr. Carman explained the attached "Brief on Law and Rules for Amendments to Bills." Concerning the "Possible Rule Amendments," also attached, the Committee agreed that in House Rule 27, appropriate wording should be added to denote consideration of the title after all amendments have been considered. Also agreed was that the word "wholly" be deleted from proposed New House Rules 83, 84, and 85 and from the corresponding proposed Senate Rules. Senator Doyen instructed Mr. Carman to make another draft for presentation to the Committee for transmittal to other appropriate committees at the proper time.

Mr. Carman then turned the Committee's attention to his letter of May 27 to Senator Doyen (copy attached) concerning rule changes relating to executive reorganization orders. Mr. Carman handed out copies of the federal executive reorganization order and also Sec. 6--Reorganization of state agencies of executive branch. (Copies attached.) Discussion followed regarding need for

rule changes. A letter from Lloyd Hall which pointed out the possible mishandling of an executive order was referred to. The Committee agreed that it would receive the usual fair treatment when coming to a vote. Senator Smith suggested that the Joint Committee was the appropriate committee for determination of the appropriate rule changes, and action was deferred until after the November election.

Mr. Carman presented the problem of publication of the Session Laws as referred to in his letter to Senator Doyen of July 8. (Copy attached.) A possible way to handle the problem would be to print two sets of Session Laws with different effective dates, such as July 1 and August 1. He handed out a bill draft (copy attached) concerning the publication of bills. Senator Smith moved that the Committee consider this bill and that Mr. Carman check it out with the Attorney General and Secretary of State. Representative Strowig seconded the motion. Motion carried.

Senator Doyen brought up the subject of whether or not the Joint Committee on Legislative Services and Facilities should appear in the Biennial Report or not. The Committee agreed that no budget should be published but it would be a good idea to have the services of the Committee office printed for a reference source for the public. The Chairman instructed Mr. Bachman to write up a report to appear in the publication.

A discussion of new application forms for legislative employees followed. Mr. Jim Durham of Southwestern Bell Telephone Company arrived, and Senator Doyen suggested the Committee attend to the application forms at a later time.

Mr. Durham read through the telephone company's proposals for legislative telephone service for the next session. (Copies attached.) The Committee generally agreed with the proposal but, except for conference equipment, decided that optional equipment was not necessary at this time. An interest was also expressed in the installation of equipment which would permit direct dialing

between the two houses without going through the switchboard. Senator Doyen instructed Mr. Durham to make changes in the proposal according to the Committee's wishes and to figure costs of consolidating the switchboards as opposed to having one Senate and two House switchboards as stated in the proposal.

After the break for lunch the Committee took up the subject of reimbursement of legislative conferees to committees. Senator Smith moved that conferees be paid expenses only after the chairman of the committee shows justification for the conferee's presence, subject to the Speaker's and President Pro Tem's approval, with notification of conferee's appearance to the minority leaders. Representative Strowig seconded the motion, and the motion carried.

Mr. Hale, Mr. Hougland, and Mr. Hood arrived to confer with the Committee regarding House redecorating plans. Mr. Hale assured the members that the work in the House will be completed by December 15. The bids for the work will be received by August 15. It was noted that the House organizational meeting will be the first Monday in December (December 2) and the main business at the meeting will be to assign seats. Since the desks will be the last item to be replaced, it is doubtful that the area can be used at that time. Mr. Hale assured the Committee that a stiff penalty clause will be written into the contract to guarantee the work will be done on time. The new elevator near the House Chamber will also be in operation by the time of the session. Assignment of the new rooms constructed from the light wells was discussed as well as plans for the new combined legislative postoffice. Mr. Hale told the Committee that the light well rooms on the third, fourth, and fifth floors of the Capitol are to be assigned to the Legislature and it was decided that the leaders of both houses would meet to make individual assignment of rooms to committee chairmen and minority leaders. The Committee reaffirmed its decision to allocate space taken by the Meditation Room to the Research Department.

7/16/70

Space needs in the Senate were discussed, and it was the Committee's agreement that the office of Lieutenant Governor be moved to the second floor, the President Pro Tem move to the vacated Lieutenant Governor's office and a door be cut in the present Pro Tem's office into the adjoining waiting room of the Lieutenant Governor's office. The Majority Floor Leader could utilize the Pro Tem's existing office and have a door into the waiting room of the new Pro Tem's Office. Representative Loux so moved, Representative Strowig seconded the motion, and the motion carried. Mr. Hale was instructed to act on this motion as soon as possible.

Mr. Carman brought up the problem of securing keys to the front doors of the Capitol Building. Mr. Hale suggested he request keys from Mr. Ken Roberts, Capitol Area Security Patrol. Mr. Hale then showed the Committee a plan for a new information and security desk to be located below the rotunda area on the first floor. This would be a focal point of the Capitol. The Committee agreed that the Capitol needs such a focal point.

Mr. Bachman explained that he had a request for a speaker to be located on the fourth floor outside the House gallery and also a speaker located on the fourth floor outside the Senate gallery. These would be an aid to the people who cannot be seated due to lack of seating space. The Committee had no objection to the speakers.

The Committee instructed Mr. Hale to proceed with combining the House and Senate document rooms. This would call for additional shelving in the existing House document room. The space in the Senate originally housing the postoffice and document room would then be free for construction of a small private lounge for the Senators. New Senate drapes were discussed, but Mr. Hale said they would have to wait to see how much money is left in the redecorating account.

Mr. Hale discussed the S.U.A. plan briefly. This is to convert the Capitol Building to offices for the legislative branch of state government, including the Governor and his staff.

7/16/70

-5-

The Committee stressed to Mr. Hale the urgency of three matters--the move of the Lieutenant Governor's office to second floor, the assignment of extra rooms to the Research Department, and the remodeling of the House chamber.

Mr. Bachman explained to the Committee about various central dictating systems. The Committee agreed to explore the idea and wished to have several individuals from different firms present their systems before the Committee.

Senator Doyen passed around to the Committee members a sample page packet sent by Senator Thomas. These are sent to the pages prior to service so they will know what to expect from their visit. Mr. Bachman passed out a proposed modified page application form to the Committee members. The Committee then instructed Mr. Bachman to prepare some mailing similar to Senator Thomas'.

The Committee then discussed the reupholstering of thirty-five chairs in the House of Representatives. This would be done at Prison Industries and they would be covered with naugahyde and fabric at a cost of \$30.00 per chair. Representative Strowig moved that the chairs be reupholstered. Representative Loux seconded the motion, and the motion carried.

The salary of Mr. Harold Hall (Historian of the House) during the time of the redecorating was discussed. It was decided to pay him \$30.00 per month, which would be just a few cents over his insurance payment. Representative Loux so moved, Representative Strowig seconded the motion, and the motion carried.

Senator Smith made a motion that expenses of Senator Bennett and Senator Harder at the Education Commission of States convention in Denver be paid out of legislative funds. Representative Loux seconded the motion, and the motion carried.

Senator Smith moved that expenses be paid out of legislative funds for Bill Bachman to attend the National Legislative Conference meeting in Salt Lake City in August. Representative Strowig seconded the motion, and the motion carried.

The Committee discussed the salary of Mr. William Bachman. Representative Strowig moved that his salary be raised to \$9,000.00 effective the first of July, and therefore not subject to review when the P.A.S. comes into effect. Senator Smith seconded the motion. Motion carried.

Mr. Bachman brought up the subject of recording equipment for the committee rooms. The Committee directed Mr. Bachman to explore different types and report his findings at a later date.

Dr. Drury expressed his desire to the Committee for the Research Department to trade the new office in the northeast quadrant light well (across from the dome entrance) to the radio personnel and thus utilize the existing radio room for his department. The Committee agreed with this request and instructed Mr. Bachman to notify Mr. William Hale of this development.


Providing telephones for the press at their press desks was discussed. Senator Smith did not feel the press should be furnished a telephone in the Senate, but Representative Strowig thought the idea a good one in the House, since so many times the reporters use the members' telephones. It was also agreed that having a speaker put into the Press Room from both Senate and House floors was not objectionable to the Committee.

Meeting adjourned.

Respectfully submitted,


Recording Secretary

MINUTES APPROVED:


Ross Doyen, Chairman

BRIEF ON
LAW AND RULES FOR
AMENDMENTS TO BILLS

July, 1970

Prepared by Office of Revisor of Statutes

NOTE: Opinions and possible changes in this brief are offered only as a means of analysis of the subject matter for possible consideration by legislative committees.

QUESTION #1: Must amendments to bills in the Kansas legislature be germane to the subject of the bill amended?

QUESTION #2: Are there any cases when a bill may be so amended that it must be read three times in both houses following such amendment?

A. GENERAL RULES FOR BILL AMENDMENTS

The general rules of law applicable to amendment of legislative bills are as follows:

"The legislature has full control over the passage of bills and may amend them during their progress through the legislature at any time permitted by its rules. The legislature may make corrections or germane amendments of a bill at any time while it is still within legislative control, or before the bill has been signed by the presiding officer of either house." (82 C.J.S. 54.)

And in Kansas, the court held in Hartzler v. City of Goodland, 97 Kan. 129:

"The legislature always has the right to make corrections or germane amendments to a bill until the governor has acted upon it." (p. 135)

B. SUBSTITUTE BILLS

The general rules with respect to use of substitute bills are:

"...the replacement of a bill by a substitute is permissible where the substitute is germane to the title and the same thing could have been accomplished by recommending its passage with amendments. As substitution is merely one method of amending, an attack on a bill because it is introduced as a substitute for, and not as an amendment to, a bill is without merit." (82 C.J.S. 54.)

The Kansas supreme court said:

"The legislative history of chapter 259 shows that it was legally adopted by the legislature. The original bill was known as house bill No. 219. It was read three times in each branch of the legislature and on separate days. The main objection to the

manner of its passage is, that in the senate the judiciary committee simply reported a substitute for house bill No. 219. It appears, however, that the substitute was germane to the title and that exactly the same result could have been accomplished by returning the original bill and recommending its passage with the amendments." (The State, ex rel., v. Akers, 92 Kan. 169, 209.)

C. READING OF BILLS AND AMENDMENTS

Article 2, section 15 of the Kansas constitution provides in part:

"Every bill shall be read on three separate days in each house, unless in case of emergency."

General rules with respect to constitutional requirements such as the foregoing have been stated as follows:

"Constitutions sometimes contain the provision that, before final passage of a bill, it shall be read at length, section by section, on three separate days, in each house. The purpose of such a provision is to inform legislators and the people of legislation proposed by a bill, and to prevent hasty legislation." (50 Am. Jur. 92.)

"The constitutional requirement that bills be read in course of their passage does not apply to amendments so as to compel bills to be read the required number of times in their amended forms . . ." (82 C.J.S. 57.)

D. CERTAIN AMENDMENTS REQUIRE THREE SUBSEQUENT READINGS

Thus far, we have stated a case for the following points:

A. Subject to its own rules the legislature may amend any bill, in any manner, to any degree, and at any time prior to its approval by the governor.

B. A substitute bill is merely one method of amendment and is as valid a method of amendment as any other method.

C. The Kansas constitution requires the reading of every bill three times in each house before passage, but ordinarily amendments to bills do not fall within this rule so as to require three readings after amendment, and this is as true for substitute bills as for other methods of amendment.

Amendments which are not germane to the subject of a bill result in certain exceptions from the foregoing rules. In reading the authorities quoted in this brief, it appears that qualifications are sometimes made concerning germaneness. These qualifications relate to three possibilities as follows:

1. In some states there is a constitutional limitation that the purpose of a bill may not be changed during its course through the legislature. Kansas does not have such a constitutional limitation.

2. While no case has been found where a statute has been held unconstitutional for the reason that it contained amendments which were not germane, there are sometimes prohibitions against nongermane amendments in legislative rules.

3. When non-germane amendments are made the identity of the bill may be lost; and, if so, the ensuing procedure must be as though the bill had not theretofore been read; thus requiring three subsequent readings in each house.

The following authorities discuss the need for three readings when certain amendments have been made:

"It has even been held that a substitute bill which is so germane to the original bill as to be a proper substitute need not be read three times . . . There is, however, some authority for the rule that a bill which passes one house, and is materially changed by amendment by the other house, and then sent back to the house where it originated, must go through the same procedure as to reading as if it were an original bill." (50 Am. Jur. 94.)

"The constitutional requirement that bills be read in course of their passage does not apply to amendments so as to compel bills to be read the required number of times in their amended forms, although some cases apply this rule only when the bill has not been materially amended and not when it has been materially amended. Where a bill which has passed one house is very materially amended in the other, and there passed as amended, it has been held that the constitutional provision as to the reading of bills does not require such bill as amended to be read three times in the house originating the bill before concurring in the amendments proposed by the other, and, if the substitute is regarded by the other house as only an amendment not requiring a rereading, the court will not investigate the character of the original bill or substitute, or the justice or policy of the procedure.

"There is no presumption that the amendment was material, but, on the contrary, there is a presumption that the amendment was immaterial. In the absence of any showing by the journals that the amendments or any one of them was material, the validity of the act cannot be successfully called in question, because the bill as amended was not reread.

"A substituted or amended bill is not a new bill necessitating a rereading under the constitutional provision, where it is germane to the original bill, or concerns the same subject matter, or embraces the same general principles, or is of the same tenor and substance, or is only an amendment to the original bill with a slightly different caption, or where it is identical in title and body with the original bill. Where the purposes and objects of the original bill in [and] a substitute are consistent and relevant, or there is no substantial variance between the designs manifested in the titles the substitute is not so variant and dissimilar as to require a rereading. . . .

"It is not essential that the bill shall pass through the three readings with the same title, and a rereading is not required as long as it is the same bill, which fact may be indicated by the title itself as well as by other matters such as its mark, number, and subject matter. It has been held that the identity of a statute is determined by its caption or title, and if the subject expressed in the caption is single, any amendment germane thereto, or not substantially different, or not effective to change the identity of the bill, may be introduced into the bill at any time prior to its third and final reading and passage.

"Although everything is stricken except the title and enacting clause and new provisions inserted which are quite different from those which first constituted the body of the bill, as long as such new matter is germane to the title, the identity of the bill is preserved. There may be additions to the caption of matters germane and explanatory by way of making the title more definite, which will not change the identity of the bill. The insertion of unnecessary and superfluous words into the caption cannot operate to constitute the bill a new one. On the other hand, whenever the caption of a bill is materially changed, or there is added to the caption entirely new and foreign matter, the caption and the bill will lose their identity." (82 C.J.S. 57, 58.)

The Kansas constitution was patterned in many respects after the Ohio constitution. For this reason the interpretation of the Ohio constitution by the Ohio supreme court in 1854 (only shortly before our Wyandotte convention) is persuasive as to the proper interpretation of the Kansas constitution. The following is quoted from Miller and Gibson v. The State, 3 Ohio St. 475:

"But inasmuch as the amendment in this case is styled in the journal a 'new bill,' it is said that three readings were necessary. Why necessary? The amendment was none the less an amendment because of the name given it. It is not unusual, in parliamentary proceedings, to amend a bill by striking out all after the enacting clause and inserting a new bill. Jefferson's Manual, §35. When the subject or proposition of the bill is thereby wholly changed, it would seem to be proper to read the amended bill three times, and on different days; but when there is no such vital alteration, three readings of the amendment are not required."

E. CURRENT KANSAS LEGISLATIVE RULES

Several rules of the House of Representatives and Senate are material to determination of the Kansas position relative to the questions posed in this brief, as follows:

House Rule 21. (in part)

"1. A committee has full power with reference to proposing amendments to measures submitted to it, except that all amendments must be germane to the subject of the measure, and final committee action shall be taken on any measure only while the legislature is in session.

"2. A committee can only propose amendments to the bills referred to it and cannot actually amend or modify them. The sole power of the committee is to make recommendations to the House, and no recommendation becomes effective until adopted by that body.

"3. If amendments are pending on a measure when referred to a committee, the amendments go with the bill to the committee and the committee may recommend concerning the adoption or rejection of the amendments already proposed and make such further recommendations and propose such other amendments as they may choose." (Emphasis added.)

House Rule 40. (in part)

"1. No subject different from that under consideration shall be admitted under color of amendment."

House Rule 45.

"In any case where these rules do not apply, Robert's Rules of Order, Revised, shall govern."

House Rule 56.

"All bills reported favorably by committee shall, if amended, be reprinted and go upon the Calendar as a part of the 'General Orders.' All committee amendments are to be incorporated in their proper place and printed in accordance with provisions of Rule 51. If the committee reports an entire bill, or proposes to strike all after the enacting clause and insert a new bill, the new bill or the bill so amended, shall be read a first and second time on separate days, printed, and take its place upon the Calendar under 'General Orders.'"

House Rule 60. (in part)

"No new subject matter shall be embodied in a conference committee report."

Senate Rule 10. (in part)

"If the committee desires to recommend amendments to the bill, these shall be so indicated in the report as to be easily identified. When it becomes necessary to rewrite any bill the Committee may substitute a new bill and shall designate the bill so rewritten as 'Substitute for Senate Bill No. _____,' and each substitute shall be printed as reported and take the place of the original bill on the Calendar, and the original bill shall be preserved and filed by the bill clerk: Provided, No substitute shall be made for any bill which changes the subject matter of the bill under consideration." (Emphasis added.)

Senate Rule 55. (in part)

"No new subject matter shall be embodied in a conference committee report."

Senate Rule 78.

"In all cases where these rules do not apply, the rules of parliamentary law laid down in Robert's Rules of Order shall govern."

Robert's Rules of Order Revised

"An amendment must be germane* to the subject to be amended--that is, it must relate to it, as shown further on. So an amendment to an amendment must be germane to the latter."

Cited footnote: "*'. . . No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.' H. R. Rule 16, §7." (Page 135.)

"Improper Amendments. An amendment is not in order which is not germane to the question to be amended. . . . An amendment of an amendment must be germane to--that is, must relate to--the subject of the amendment as well as the main motion. No

independent new question can be introduced under cover of an amendment. But an amendment may be in conflict with the spirit of the original motion and still be germane, and therefore in order." (pages 143, 144.)

F. EFFECT OF KANSAS LEGISLATIVE RULES

The Kansas legislative rules appear to make several kinds of limitations upon what would otherwise be the appropriate procedures related to the questions posed in this brief.

1. Amendments to bills in both the house and senate are required to be germane to the subject of the bill reported. With respect to the requirement that committee reports must contain only amendments germane to the subject of the bill reported, see House Rule 21 and Senate Rules 10 and 78 which adopts the quoted parts of Robert's Rules. As to floor amendments, see House Rule 40 and Senate Rule 78 (Robert's). As to conference committee reports, see House Rule 60 and Senate Rule 55.

2. House Rule 56 and Senate Rule 10 make special requirements with respect to substitute bills. The House Rule requires a substitute bill be read three times if reported by a committee, and this requirement applies whether or not the substitute bill is germane to the subject of the original bill. The Senate Rule prohibits change of "subject matter," and this may be the same thing as prohibiting non-germane amendment, or it may merely prohibit "material change" of the subject.

3. House Rule 56 requires a certain type of amendment (by substitute bill) to be read three times. This rule applies only to committee reports but does not appear to limit conference committee reports or substitute bill amendments by motion on the floor.

G. WHEN AMENDED BILL REQUIRES THREE READINGS

These are two situations in Kansas which require three subsequent readings of an amended bill:

1. Under House Rule 56, the requirement exists only for the House when the amendment is made by a House committee report, and such requirement applies in all cases where an entire bill is reported or, all after enacting clause stricken and other material substituted.

2. In accordance with the inference of The State, ex rel., v. Akers, supra, and the statement of propriety in Miller and Gibson v. The State, supra, when amendments wholly or materially change the subject of a bill, the bill should receive three subsequent readings in both houses. This is true when the identity of the bill is lost by necessary amendments to the title (See 82 C.J.S. 58, supra). See also 50 Am. Jur. 94.

H. HISTORICAL KANSAS PROCEDURE FOR SUBSTITUTE BILLS

In Kansas the committee report form (which, as a regular practice, dates back at least to 1949, though a random check indicates the use of such language as early as 1917) appearing in the Journal of the Senate states that, "S.B. _____ be amended by substituting a new bill to be designated as "Substitute for Senate Bill No. _____", as follows: (Bill number, author, title.) And that the substitute bill be passed.*

It is standard procedure when bills are being considered by the Committee of the Whole to adopt the committee amendments, to act upon floor amendments (or relevant motions) that are offered and to rise and report its action to the Senate. The Journal of the Senate records the adoption of ordinary committee amendments, and floor amendments to bills as a portion of the Committee of the Whole proceedings. However, the Committee of the Whole report generally has not shown the adoption of the standing committee report when a substitute bill is reported.

If the law cited in this brief is accepted, it would appear that committee reports submitting a substitute bill should be adopted by the Committee of the Whole and such adoption should be shown in the Journal.

Historically, the present Senate Rule 10 dates back in substantially the same form to at least 1893. As early as 1872, Senate Rules provided:

"Bills reported by committees shall go upon the calendar, as part of the General Orders, unless otherwise ordered. Bills reported upon favorably, shall be printed, with report of the committee thereon; but if the committee report an entire bill as a substitute, or propose to strike out all after the enacting clause, and insert a new bill, the new bill or substitute so reported, (with the report thereon,) shall be printed and the original bill shall not be printed, unless the House so order. Bills reported unfavorably shall not be printed, unless ordered printed by the House." (former Senate Rule 52)

* For 1970 Session see SB 244, Senate Journal p. 74; SB 310, p. 84; SB 322, p. 361 (1969 Senate Journal); SB 323, p. 361 (1969 Senate Journal); SB 338, p. 219; SB 340, p. 220; SB 400, p. 206; SB 472, p. 218.

It was not until after 1920 that bills were printed upon introduction as a matter of course, as is presently the case. Using substitute bills assists in identifying the subject matter of the bill and permits the printing of working bill copies which are not further complicated by the inclusion of vast amounts of stricken material.

A random check of the journals in the early 1900's indicates that the use of substitute bills in the Senate was not uncommon. Neither was it uncommon for substitute bills reported by standing committees to be placed on first and second reading prior to consideration by the Committee of the Whole. The fact that in some instances a substitute bill was sent through the first and second readings prior to final passage would seem to indicate that caution was exercised from time to time in order to assure a compliance with the three readings provision of the State Constitution.

I. CHANGES IN KANSAS LEGISLATIVE RULES WHICH MIGHT BE CONSIDERED

From the content of this brief it would appear that two classes of changes to the legislative rules in Kansas might be considered.

First, changes might be made to make more uniform the senate and house rules relating to the questions posed in this brief.

Second, changes might be considered to make rule requirements for three readings of amendments consistent with conservative requirements of constitutional law.

J. SIGNIFICANCE OF RULE CHANGES

In the event that a bill is not actually read three times, when perhaps it should have been, it is probably not a very serious matter. The courts are very slow to declare an act of the legislature invalid merely because of some technical irregularity. In Weyand v. Stover, Treas., 35 Kan. 545, our Supreme Court said:

"It is further claimed that the bill was not read three times in the house, but only once. Now the house journal shows expressly and affirmatively that the bill was placed upon its third reading in the house, and that afterward it "was read the third time" in the house. Now it could not have been read the third time in the house unless it had been read a first and a second time; and there is nothing anywhere showing that it was not read a first or a second time. . . .

"The enrolled statute is very strong presumptive evidence of the regularity of the passage of the act and of its validity, and that it is conclusive evidence of such regularity and validity unless the journals of the legislature show clearly, conclusively and beyond all doubt, that the act was not passed regularly and legally. . . . If there is any room to doubt as to what the journals of the legislature show, if they are merely silent or ambiguous, or if it is possible to explain them upon the hypothesis that the enrolled statute is correct and valid, then it is the duty of the courts to hold that the enrolled statute is valid. . . ." (p. 553, 554)

The primary reason for improvement of legislative rules is for smoothness of operation of the legislative process and to discourage bickering by over-zealous individuals.

POSSIBLE RULE AMENDMENTS

SENATE AND HOUSE

House Rules

House Rule 27.--Order of Business in Committee of Whole House.--Bills and resolutions shall be considered in the committee of the whole in the following manner,--viz:--They shall be first read through,--unless the committee shall otherwise order.--The questions shall then occur upon the adoption or rejection of the reporting committee amendments,--if any,--and then the bill or resolution shall be considered section by section,--leaving the title to be last considered: The standing committee report shall first be considered, and if it is adopted the bill as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee has recommended a substitute bill, the standing committee report shall first be considered, and if the standing committee report is adopted, the substitute bill shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. If the committee report is not adopted, the bill, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been once passed, no amendment thereto shall be in order until the whole bill shall have been read through. After the original bill, together with standing committee amendments, has been considered section by section, the chairman shall announce "Amendments to the bill generally are in order," and amendments not before offered may be made to any part of the bill. A motion to strike the enacting clause will be in order at any stage until the final vote is announced. The motion to strike the enacting clause may be debated upon the merit of the proposition, and shall not be subject to amendment or substitution.

House Rule 40.--Amendments.--1.--No subject different from that under consideration shall be admitted under color of amendment. 1. Amendments to bills shall be germane to the subject of the bill being amended.

2. Amendments to bills shall specify the section page and line number as shown on printed bills, and shall be in writing on a form provided by the House or a form substantially similar. In the case of amendment by substitute bill, motion shall be made to substitute a written bill for the bill under consideration.

3. When a bill or resolution has been amended, it shall be necessary to engross only the section or sections amended, but such section or sections shall be clearly marked on the original bill to show that they have been engrossed and the time of such engrossment. Engrossed sections shall be attached to the original bill and shall be used in place of the original sections when the bill is printed or enrolled. Notation shall be made on the bill jacket to indicate the pages engrossed.

House Rule 56.--Showing Committee Amendments.--(1) All bills reported favorably by committee shall be reprinted if amended, be-reprinted and all bills so reported shall go upon the Calendar as a part of the "General Orders." All committee amendments are to be incorporated in their proper place and printed in accordance with provisions of Rule 51.--If the committee reports an entire bill, or proposes to strike all after the enacting clause and insert a new bill, the new bill, or the bill so amended, shall be read a first and second time on separate days, printed, and take its place upon the Calendar under "General Orders," except in cases when a substitute bill is recommended.

(2) Whenever any committee report recommends a substitute bill, such bill shall be printed as in the case of bills introduced, and go upon the Calendar as a part of "General Orders."

SECTION XIX--SUBSTITUTE BILLS

New House Rule 80.--Number Designation.--Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided by Rule 51 for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for House bills, "Substitute for House Bill No. __," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for Senate bills, "House Substitute for Senate Bill No. __," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

New House Rule 81.--When Prohibited.--No conference committee shall recommend amendment by substitute bill.

SECTION XX--READING OF AMENDMENTS

New House Rule 82.--General Rule.--Amendments to bills shall not require readings as for bills introduced, except as otherwise provided in this Section XX.

New House Rule 83.--Subject Change by House.--Whenever an amendment adopted by the House has wholly [or materially] changed the subject of a bill, the bill so amended, shall be read a first and second time on separate days, and take its place upon the Calendar under "Third Reading."

New House Rule 84.--Subject Change by Senate.--Whenever the Senate adopts amendments to a House Bill which wholly [or materially] changes its subject, upon return of such bill to the House, it shall be read a first and second time and be referred as provided in Rule 54.

[New House Rule 85.--Determination of When Subject of Bill Wholly or Materially Changed.--The speaker may determine when a bill is subject to the Rules of this Section XX, or he may submit the question to the House for its determination.]

Senate Rules

Senate Rule 10.. Care of Bills by Committee--~~Substitute-Bills.~~
No committee shall be allowed to mutilate any bill referred to it for consideration, by making interlineations, erasures, or marginal notes thereon. If the committee desires to recommend amendments to the bill, these shall be so indicated in the report as to be easily identified. ~~When-it-becomes-necessary-to-rewrite any-bill-the-Committee-may-substitute-a-new-bill-and-shall-designate the-bill-so-rewritten-as-"Substitute-for-Senate-Bill-No-7"-and each-substitute-shall-be-printed-as-reported-and-take-the-place-of the-original-bill-on-the-Calendar,-and-the-original-bill-shall-be preserved-and-filed-by-the-bill-clerk:--Provided,-No-substitute shall-be-made-for-any-bill-which-changes-the-subject-matter-of-the bill-under-consideration.~~

Senate Rule 42. How Bills Considered--Committee of the Whole.
Bills shall be considered in Committee of the Whole in the following manner: ~~Unless-the-committee-shall-order-that-the-bill-be first-read-through-or-shall-recommend-that-the-enacting-clause-be stricken-out,-it-shall-be-read-by-sections,-leaving-the-title-to-be~~

~~considered last. As each section is read, standing committee amendments thereto, if any, shall be considered and then amendments from the floor are in order to that section.~~ The standing committee report shall first be considered, and if it is adopted the bill as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee has recommended a substitute bill, the standing committee report shall first be considered, and if the standing committee report is adopted, the substitute bill shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. If the committee report is not adopted, the bill, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been once passed, no amendment thereto shall be in order until the whole bill shall have been read through. After the original bill, together with standing committee amendments, has been [read and] considered section by section, the chairman shall announce "Amendments to the bill generally are in order," and amendments not before offered may be made to any part of the bill. A motion to amend the bill shall not be in order while the motion to strike out the enacting clause is pending.

Senate Rule 43. Amendments to Bills. (1) Amendments to bills shall be germane to the subject of the bill being amended.

(2) All amendments to bills shall refer to section page and line numbers as shown on the printed bill and the Secretary of the Senate shall place amendments adopted in the typed bill so that the wording will be as indicated by the amendment to the printed bill. If a bill has not been printed, amendments must refer to the typed bill. All amendments offered, whether adopted or rejected, shall be recorded in the Journal: Provided, That by unanimous consent, the author of any defeated amendments may have the same stricken from the record.

(3) In the case of amendment by substitute bill, motion shall be made to substitute a written bill for the bill under consideration.

Senate Rule 47. Bills and Resolutions--Inclusion of Amendments. When a bill or resolution is amended, it shall be the duty of the Secretary of the Senate to attach to the original copy, in the order of their adoption, the standing committee amendments, Committee of the Whole amendments and any other amendments made in the Senate except for conference committee reports as provided in

Rule 54. Substitute bills shall accompany the bill for which each is substituted. Upon passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House. When a bill or resolution is ready for final engrossment, the original copy, together with all amendments thereto, shall be sent to the Secretary of State for such engrossment. Engrossed sections shall be attached to the original copy and shall be used in the place of the original sections when enrolled.

New Senate Rule 80. Number Designation of Substitute Bills. Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided by Rule 49 for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for Senate bills, "Substitute for Senate Bill No. ____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for House bills, "Senate Substitute for House Bill No. ____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

New Senate Rule 81. When Substitute Bill Prohibited. No conference committee shall recommend amendment by substitute bill.

New Senate Rule 82. General Rule Not to Read Amendments. Amendments to bills shall not require readings as for bills introduced, except as otherwise provided in Rule 83 or 84.

New Senate Rule 83. Subject Change by Senate. Whenever an amendment adopted by the Senate has wholly [or materially] changed the subject of a bill, the bill so amended, shall be read a first and second time on separate days, and take its place upon the Calendar under "Third Reading."

New Senate Rule 84. Subject Change by Senate. Whenever the House adopts amendments to a Senate Bill which wholly [or materially] changes its subject, upon return of such bill to the Senate, it shall be read a first and second time and be referred as provided in Rule 31.

[New Senate Rule 85. Determination of When Subject of Bill Wholly or Materially Changed. The president pro tem may determine when a bill is subject to Rule 83 or 84, or he may submit the question to the Senate for its determination.]



JOHN C. WEEKS
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LEGISLATIVE RESEARCH
LEGISLATIVE BILL DRAFTING
SERVICE
INTERSTATE COOPERATION
RULES AND REGULATIONS
FILING AND PUBLICATION
STATUTORY COMPILATION

May 27, 1970

Hon. Ross O. Doyen
State Senator
434 West Ninth
Concordia, Kansas 66901

Dear Ross:

In connection with the work of the Legislative Services and Facilities Committee, I would like to draw your attention to the provisions of section 6 of the constitutional amendment of the executive article (HCR 1026). In drafting this provision for the constitutional revision commission, and in watching the provision be adopted without change by the legislature, I became aware of the fact that special legislative rules may need to be adopted to insure to the membership of each house that a reorganization order is properly processed by the committee to which it is referred and is reported in sufficient time for each body to act thereon.

It was thought by the Constitutional Revision Commission that the houses of the legislature should look after their own affairs in this respect, instead of making specific constitutional requirements. I invite your attention to the fact that a typical reorganization order is of very grave importance to state government. Under existing rules, particularly considering the inexperience of the legislature in dealing with such orders, it may occur that an executive order would be referred to a committee which might not report thereon within the constitutional sixty days allowed for legislative action. It is true that Rule 21 of the House requires all matters referred to be reported on within ten legislative days, but traditionally this rule has been ignored. A motion to withdraw

May 27, 1970

a matter from a committee requires a two-thirds majority under House Rule 21. Such withdrawals are almost unheard of in the traditional operation of our legislature.

Senate Rule 12 is less comprehensive than the House rule but also requires a report to be made within ten legislative days on "all bills or resolutions". (An executive reorganization order is probably neither a bill nor a resolution.) In my cursory examination of the Senate rules, I find no provision for withdrawal of a matter from a committee.

It appears from the experience of other states and by mere consideration of our present rules, that careful consideration and study should be given to rule changes which may be advisable to assure members of the Senate and House that executive reorganization orders will be properly processed if this constitutional amendment is adopted by approval of the electors in November.

Yours truly,



Fred J. Carman, Assistant
Revisor of Statutes

FJC:vl

cc. John C. Weeks
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Notes of Decisions

Laches 2
Power of President 1

1. Power of President

Under the Reorganization Act of 1949 [now this chapter] the President was given the power to promulgate reorganization plans which would affect the adjudicatory functions of a Government agency as well as its executive and administrative functions, since the Act [this chapter] contained no express limitation with regard to the effects which a reorganization plan might have upon quasi-judicial and quasi-legislative functions as did the predecessor Reorganization Act of 1945, 59 Stat. 615, and thus under the 1949 Act [this chapter] the President could abolish a quasi-judicial function such as the War Claims Commission, whose members he could not constitutionally remove from office, and transfer

its functions to a newly created function, the Foreign Claims Settlement Commission, whose members held office during his pleasure. *Lusk v. U. S.*, 1965, 173 Ct. Cl. 291.

2. Laches

In addition to delay in bringing suit, the one asserting the defense of laches must show that he has been prejudiced by the delay, so that in a case in which former officials of a quasi-judicial function claim that an act authorizing the abolishment of the function and its transfer to a new agency is unconstitutional, delay even of a short time in challenging the constitutionality of the legislation results in detriment to the Government since all the actions and decisions of the new agency would be brought into question and possibly invalidated. *Lusk v. U. S.*, 1965, 173 Ct. Cl. 291.

§ 904. Additional contents of reorganization plans

A reorganization plan transmitted by the President under section 903 of this title—

(1) may change, in such cases as the President considers necessary, the name of an agency affected by a reorganization and the title of its head; and shall designate the name of an agency resulting from a reorganization and the title of its head;

(2) may provide for the appointment and pay of the head and one or more officers of an agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary. The head so provided may be an individual or may be a commission or board with more than one member. In case of such an appointment, the term of office may not be fixed at more than 4 years, the pay may not be at a rate in excess of that found by the President to be applicable to comparable officers in the executive branch, and, if the appointment is not to a position in the competitive service, it shall be by the President, by and with the advice and consent of the Senate, except that, in the case of an officer of the government of the District of Columbia, it may be by the Board of Commissioners or other body or officer of that government designated in the plan;

(3) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

(4) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective. However, the unexpended balances so transferred may be used only for the purposes for which the appropriation was originally made; and

(5) shall provide for terminating the affairs of an agency abolished.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 395.

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code
5 U.S.C. 1332-2

Revised Statutes and Statutes at Large
June 20, 1949, ch. 226, § 4, 63 Stat. 204.

Explanatory Notes.

In paragraph (1), the words "may change" are substituted for "shall change" in view of the discretionary grant of authority reflected by the words "in such cases as the President considers necessary".

In paragraph (2), the words "competitive service" are substituted for "classi-

fied civil service" to conform to the definition in section 2102.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 905. Limitations on powers

(a) A reorganization plan may not provide for, and a reorganization under this chapter may not have the effect of—

(1) creating a new Executive department, abolishing or transferring an Executive department or all the functions thereof, or consolidating two or more Executive departments or all the functions thereof;

(2) continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

(3) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(4) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress;

(5) increasing law for the office

(6) transferring government of thereof which a government or a

(b) A provision only if the plan is 1968. Pub.L. 89-554,

Derivation: United States Code
(a) 5 U.S.C. 1332

(b) 5 U.S.C. 1332

Explanatory Notes.

Standard changes are made with the definitions applicable.

United States Code

§ 906. Effective

(a) Except as otherwise provided in this section, a reorganization plan shall take effect on the date on which the date of transmittal of the plan to Congress passes a resolution in favor of the reorganization.

(b) For the purpose

(1) continuity of Congress sine die

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(c) Under provision of the plan may which the plan otherwise

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(5) increasing the term of an office beyond that provided by
law for the office; or

(6) transferring to or consolidating with another agency the
government of the District of Columbia or all the functions
thereof which are subject to this chapter, or abolishing that
government or all those functions.

(b) A provision contained in a reorganization plan may take effect
only if the plan is transmitted to Congress before December 31,
1968. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 396.

Historical and Revision Notes

Reviser's Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)	5 U.S.C. 133z-3(a)	June 20, 1949, ch. 226, § 5(a), 63 Stat. 205. July 2, 1964, Pub.L. 88-351, § 2, 78 Stat. 240.
(b)	5 U.S.C. 133z-3(b)	June 20, 1949, ch. 226, § 5(b), 63 Stat. 205. Feb. 11, 1953, ch. 3, 67 Stat. 4. Mar. 25, 1953, ch. 16, 69 Stat. 14. Sept. 4, 1957, Pub.L. 85-286, § 1, 71 Stat. 611. Apr. 7, 1961, Pub.L. 87-18, 75 Stat. 41. July 2, 1964, Pub.L. 88-351, § 1, 78 Stat. 240. June 18, 1965, Pub.L. 89-43, 79 Stat. 135.

Explanatory Notes.

Standard changes are made to conform style of this title as outlined in the pref-
with the definitions applicable and the ace to the report.

Library References

United States C=29.

C.J.S. United States §§ 34, 62.

§ 906. Effective date and publication of reorganization plans

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(a) Except as otherwise provided under subsection (c) of this
section, a reorganization plan is effective at the end of the first
period of 60 calendar days of continuous session of Congress after
the date on which the plan is transmitted to it unless, between the
date of transmittal and the end of the 60-day period, either House
passes a resolution stating in substance that that House does not
favor the reorganization plan.

(b) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of
Congress sine die; and

(2) the days on which either House is not in session because
of an adjournment of more than 3 days to a day certain are
excluded in the computation of the 60-day period.

(c) Under provisions contained in a reorganization plan, a pro-
vision of the plan may be effective at a time later than the date on
which the plan otherwise is effective.

(d) A reorganization plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 396.

Historical and Revision Notes

Revisor's Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)-(c)	5 U.S.C. 1332-4	June 20, 1919, ch. 226, § 6, 63 Stat. 206.
		Sept. 4, 1937, Pub.L. 85-280, § 2, 71 Stat. 611.
(d)	5 U.S.C. 1332-9	June 20, 1919, ch. 226, § 11, 63 Stat. 206.
Explanatory Notes.		
	Standard changes are made to conform with the definitions applicable and the	style of this title as outlined in the pref- ace to the report.

Notes of Decisions

1. Generally. In this period it becomes law. *Young v. U. S.*, 1954, 212 F.2d 236, 94 U.S.App.D.C. 54, certiorari denied 74 S.Ct. 870, 347 U.S. 1015, 98 L.Ed. 1137.

A Presidential reorganization plan may be rejected by Congress within 60 days of its submission and if it is not rejected

§ 907. Effect on other laws, pending legal proceedings, and unexpended appropriations

(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function, insofar as it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

(b) For the purpose of subsection (a) of this section, "regulation or other action" means a regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a reorganization plan under this chapter. On motion or supplemental petition filed at any time within 12 months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be main-

tained by or against the reorganization effected by or against such agency or officer.

(d) The appropriations by reason of the operation purpose, but shall revert to the House of Representatives in 1966, 80 Stat. 396.

Historical

Derivation:	United States Code
(a)-(c)	5 U.S.C. 1332-7
(d)	5 U.S.C. 1332-8

Explanatory Notes.

In subsections (a) and (c), the words "the provisions of" in the phrase "the provisions of this chapter" are omitted as unnecessary.

In subsection (c), the words "action, or other proceeding" are substituted for "the same".

1. Tax Court proceedings

Where, under 1950 Reorganization Act No. 21, set out in the Appendix, title, United States Maritime Commission and office of its Chairman was abolished, and their relevant functions transferred to Secretary of Commerce and chairman had been named in action before Tax Court proceedings, cause shall abate when contractor failed to file or supplemental petition within twelve months period requesting

§ 908. Rules of Senate reorganization

Sections 909-913 of this chapter

(1) as an exercise of the House of Representatives shall be deemed a part of the reorganization cable only with respect to the House in the case of a reorganization title; and they supersede any inconsistent provisions

(2) with full recognition of the House to change the reorganization

shall be printed (1) the public laws and 6, 1966, 80 Stat. 396.

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tained by or against the successor of the head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the President designates.

(d) The appropriations or portions of appropriations unexpended by reason of the operation of this chapter may not be used for any purpose, but shall revert to the Treasury. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 396.

Historical and Revision Notes

Reviser's Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
(a)-(c)	5 U.S.C. 1332-7	June 20, 1949, ch. 226, § 9, 63 Stat. 206.
(d)	5 U.S.C. 1332-8	June 20, 1949, ch. 226, § 10, 63 Stat. 206.

Explanatory Notes.

In subsections (a) and (c), the words "the provisions of" in the phrase "under this chapter" are omitted as unnecessary.

In subsection (c), the words "the suit, action, or other proceeding" are substituted for "the same".

In subsection (d), the words "shall revert" are substituted for "shall be . . . returned", and the words "impounded and" are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Notes of Decisions

1. Tax Court proceedings

Where, under 1939 Reorganization Plan No. 21, set out in the Appendix to this title, United States Maritime Commission and office of its Chairman were abolished, and their relevant functions were transferred to Secretary of Commerce, and chairman had been named respondent in action before Tax Court in renegotiation proceedings, cause did not state when contractor failed to file motion or supplemental petition within twelve months period requesting that ac-

tion survive against Secretary of Commerce, and, therefore, Tax Court still had jurisdiction to render its decision. Chairman of U. S. Maritime Commission v. California Eastern Line, 1953, 204 F.2d 398, 92 U.S.App.D.C. 207.

Provisions of this section concerning abatement and substitution are inapplicable to proceedings in Tax Court in which agency or officer later affected by reorganization plan is named as respondent. Id.

§ 903. Rules of Senate and House of Representatives on reorganization plans

Sections 909-913 of this title are enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 909 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of

that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.
Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 397.

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code
5 U.S.C. 1332-10

Revised Statutes and Statutes at Large
June 20, 1919, ch. 226, § 201, 63 Stat. 206.

Explanatory Notes.

The words "Sections 908-913 of this title" are substituted for "The following sections of this title" to reflect the codification of sections 202-206 of Title II of the Act of June 20, 1919.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 909. Terms of resolution

For the purpose of sections 908-913 of this title, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the _____ does not favor the reorganization plan numbered _____ transmitted to Congress by the President on _____, 19____", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one reorganization plan. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 397.

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code
5 U.S.C. 1332-11

Revised Statutes and Statutes at Large
June 20, 1919, ch. 226, § 202, 63 Stat. 207.

Explanatory Notes.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 910. Reference of resolution to committee

A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 397.

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code
5 U.S.C. 1332-12

Revised Statutes and Statutes at Large
June 20, 1919, ch. 226, § 203, 63 Stat. 207.

Explanatory Notes.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 911. Discharge

(a) If the committee organization plan has been of 10 calendar days and either to discharge the resolution or to discharge of any other resolution has been referred to the

(b) A motion to discharge favoring the resolution, made after the committee to the same reorganization to not more than 1 hour and those opposing is not in order, and it is by which the motion is a

(c) If the motion to motion may not be renewed committee be made with to the same reorganization Stat. 397.

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Derivation: United States
5 U.S.C. 1332-13

Explanatory Notes.

In subsection (a), the word end of 10 calendar days are substituted for "before the of ten calendar days (but not before) be".

§ 912. Procedure
bate

(a) When the committee further consideration of, plan, it is at any time to motion to the same effect to the consideration of the and is not debatable. and it is not in order to motion is agreed to or discharged.

(b) Debate on the resolution hours, which shall be a

manner and to the same that House.

Not.

Statutes and Statutes at Large 1949, ch. 226, § 201, 63 Stat. 200.

Changes are made to conform definitions applicable and the title as outlined in the preface report.

title, "resolution" means, the matter after the that the _____ does not _____ transmitted to Congress, the first blank space resolving House and the title filled; but does not than one reorganization 397.

Notes

Statutes and Statutes at Large 1949, ch. 226, § 202, 63 Stat. 207.

title as outlined in the preface report.

Committee

tion plan shall be referred respect to the same plan by the President of the representatives, as the case it. 397.

Notes

Statutes and Statutes at Large 1949, ch. 226, § 203, 63 Stat. 207.

this title as outlined in the preface report.

§ 911. Discharge of committee considering resolution

(a) If the committee to which a resolution with respect to a reorganization plan has been referred has not reported it at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the reorganization plan which has been referred to the committee.

(b) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 397.

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code, 5 U.S.C. 1332-13

Revised Statutes and Statutes at Large June 20, 1949, ch. 226, § 204, 63 Stat. 207.

Explanatory Notes.

In subsection (a), the words "at the end of 10 calendar days . . . it is" are substituted for "before the expiration of ten calendar days . . . it shall then (but not before) be".

In subsection (b), the words "A motion to discharge" are substituted for "Such motion".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 912. Procedure after report or discharge of committee; debate

(a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and

those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 398.

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code Revised Statutes and Statutes at Large
5 U.S.C. 1332-14 June 20, 1949, ch. 226, § 205, 63 Stat. 207.

Explanatory Notes.

Standard changes are made to conform style of this title as outlined in the preface to the report.

§ 913. Decisions without debate on motion to postpone or proceed

(a) Motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and motions to proceed to the consideration of other business, shall be decided without debate.

(b) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate. Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 398.

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code Revised Statutes and Statutes at Large
5 U.S.C. 1332-15 June 20, 1949, ch. 226, § 206, 63 Stat. 207.

Standard changes are made to conform style of this title as outlined in the preface to the report.

PART II—THE UN

Chapter

- 11. Organization
- 13. Special Authority ..
- 15. Political Activity of

CHAPTER

Sec.

- 1101. Appointment of C
- 1102. Term of office; fi
- 1103. Chairman; Vice C
- 1104. Functions of Chair
- 1105. Boards of examine

§ 1101. Appointm

The United States Civil members appointed by the consent of the Senate, not in the same political party a position in the Government 6, 1966, 80 Stat. 398.

Histor

Derivation: United States
5 U.S.C. 632 (1st

Explanatory Notes.

The words "official place United States" are changed to office or position in the Government of the United States" to conform present legislative use of "position".

- Generally 2
- Constitutionality 1
- Judicial Intervention 3
- Suits against Commission 4

Library references.

Officers 609.3.
C.J.S. Officers § 62.

"Sec. 6. Reorganization of state agencies of executive branch.

(a) For the purpose of transferring, abolishing, consolidating or coordinating the whole or any part of any state agency, or the functions thereof, within the executive branch of state government, when the governor considers the same necessary for efficient administration, he may issue one or more executive reorganization orders, each bearing an identifying number, and transmit the same to the legislature within the first thirty calendar days of any regular session. Agencies and functions of the legislative and judicial branches, and constitutionally delegated functions of state officers and state boards shall be exempt from executive reorganization orders.

"(b) The governor shall transmit each executive reorganization order to both houses of the legislature on the same day, and each such order shall be accompanied by a governor's message which shall specify with respect to each abolition of a function included in the order the statutory authority for the exercise of the function. Every executive reorganization order shall provide for the transfer or other disposition of the records, property and personnel affected by the order. Every executive reorganization order shall provide for all necessary transfers of unexpended balances of appropriations of agencies affected by such order, and such changes in responsibility for and handling of special funds as may be necessary to accomplish the purpose of such order. Transferred balances of appropriations may be used only for the purposes for which the appropriation was originally made.

"(c) Each executive reorganization order transmitted to the legislature as provided in this section shall take effect and have the force of general law on the July 1 following its transmittal to the legislature, unless within sixty calendar days and before the adjournment of the legislative session either the senate or the house of representatives adopts by a majority vote of the members elected thereto a resolution disapproving such executive reorganization order. Under the provisions of an executive reorganization order a portion of the order may be effective at a time later than the date on which the order is otherwise effective.

"(d) An executive reorganization order which is effective shall be published as and with the acts of the legislature and the statutes of the state. Any executive reorganization order which is or is to become effective may be amended or repealed as statutes of the state are amended or repealed.



JOHN C. WEEKS
REVISOR OF STATUTES
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LEGISLATIVE RESEARCH
LEGISLATIVE BILL DRAFTING
SERVICE
INTERSTATE COOPERATION
RULES AND REGULATIONS
FILING AND PUBLICATION
STATUTORY COMPILATION

July 8, 1970

Senator Ross Doyen, Chairman and
Members of the Committee on
Legislative Services and Facilities

Gentlemen:

This is to advise you of a problem which has arisen on publication of the Session Laws. An ambiguity exists in the statutes as to whether the publication shall be made as soon as possible, or whether the publication must be made on July 1 even if the books are ready for distribution on June 15th.

This year the books were ready about ten days before July 1, but in accordance with advice of the attorney general, the secretary of state withheld publication until July 1. A copy of the attorney general's letter is enclosed along with copies of the statutes involved. It is suggested that these statutes be amended to clearly authorize publication as soon as the books are ready, but not later than July 1, and that the acts become effective upon publication unless a different date is specified.

Yours truly,

A handwritten signature in cursive script, reading "Fred J. Carman".

Fred J. Carman, Assistant
Revisor of Statutes

FJC:vl
Encs.

FILE

Sub,

Copy to

*State Transmittal
Legislative - General
State Offices - Electric
Sundays State*
J

June 24, 1970

The Honorable Elwill M. Shanahan
Secretary of State
Statehouse
Topeka, Kansas 66612

Dear Madam:

You have asked this office when the initial copies of the 1970 Session Laws of Kansas should be distributed.

The statutes on the subject are ambiguous at the best and contradictory at the worst. K.S.A. 1969 Supp. 45-310 provides that the laws passed at each session of the legislature be published in volume form "as soon as practicable after the close of the session at which the same are passed." The section further provides that when a bill is to become effective from and after its publication in the statute book, "the words 'publication in the statute book' mean publication in the Session Laws of Kansas as provided in the section."

K.S.A. 1969 Supp. 45-315, however, sets out the timetable for printing Session Laws and provides that the State Printer and the Secretary of State "shall complete preparation and printing of at least a limited number of volumes for publication on July 1 of such year."

There is, thus, language indicating that the Session Laws be published "as soon as practicable," and also that they be published on July 1.

K.S.A. 1969 Supp. 45-311 requires the Secretary of State to prefix each volume of the Session Laws with a certificate, specifying the date of the publication of such volume. The certificate is made evidence of the facts it states, but it is not made conclusive evidence.

Thus, while the certificate may state that the publication date of the volume is July 1, 1970, and be evidence of that fact, it nevertheless might be possible to rebut such evidence by showing that the volume was actually published earlier by being distributed to the public prior to July 1, 1970.

In view of the number of laws amended or repealed by bills becoming effective from and after publication of the statute book, the situation described above could result in a great deal of confusion about which law is applicable during the week to July 1, 1970, with a potential for considerable litigation.

The legislature could alleviate this problem by conclusively providing that the official publication date of the Session Laws is July 1 each year, regardless of when they are printed and distributed. However, in view of the considerable ambiguity in the present statutes, and the potential for confusion and litigation, it is our suggestion that the 1970 Session Laws not be mailed until June 30, 1970.

Very truly yours,

The statutes on this subject are contradictory at the time of R.S.A. 1969 laws passed at each session of J. RICHARD FOTH
volume 100, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 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2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 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3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 397

45-310. Session laws; publication, printing, title and contents. (a) All acts and joint resolutions passed at each session of the legislature shall be published in one or more volumes, under the direction of the secretary of state, as soon as practicable after the close of the session at which the same are passed. Such acts and joint resolutions shall take effect and be in force from and after such publication, unless otherwise specifically provided in such act or resolution. Such volume or volumes shall also have included therein an index, the veto messages of the governor, if any, all certificates that a bill or joint resolution or item or items of a bill have been approved notwithstanding the governor's veto, if any, and all concurrent resolutions adopted by the legislature, except such resolutions extending congratulations or making a memorial for any decedent. Whenever any bill, act or resolution of the legislature shall provide that the same shall be effective from and after its publication in the statute book, the words "publication in the statute book" mean publication in the session laws of Kansas as provided in this section.

(b) Such volume or volumes shall be titled and may be cited as "_____ Session Laws of Kansas." The blank shall be filled with the numeric designation of the year, in the case of regular sessions, and in the case of special sessions the blank shall be filled with the numeric designation of the year followed by the word "Special." Such title shall be printed on the back of each volume.

(c) The sections in such volume or volumes shall be printed in the same manner as the 1967 Session Laws of Kansas, except (1) material added to an existing section of the statutes shall be printed in italic type, and (2) material deleted from an existing section of the statutes shall be printed in canceled type.

(d) The secretary of state is authorized and directed to exercise editorial judgment in preparation of such volume or volumes to the end that the purposes of this act are made effective. [L. 1969, ch. 249, § 10; Jan. 21.]

45-311. Certification of session laws. The secretary of state shall prefix to each printed volume of the laws his certificate that the acts and resolutions therein contained are truly copied from the original enrolled acts and other official documents of the legislature, and specifying the date of the publication of such volume. The certificates mentioned in this act shall be evidence of the facts contained therein. [L. 1969, ch. 249, § 11; Jan. 21.]

45-315. Timetable for printing session laws. The secretary of state shall furnish to the state printer, within twenty (20) days after the sine die adjournment of each legislative session occurring in odd-numbered years and within forty (40) days after the sine die adjournment of the legislative session occurring in even-numbered years, a copy of all acts, resolutions and other matters except the index which are required to be published and bound in the session laws, and in the form required by subsection (d) of section 1 [45-301] of this act. Thereupon the state printer and the secretary of state shall complete preparation and printing of at least a limited number of volumes for publication on July 1 of such year. The state printer shall thereafter, as rapidly as practicable, print and deliver to the secretary of state bound copies as provided by law. [L. 1969, ch. 249, § 15; Jan. 21.]

By Committee on Legislative Services and Facilities

AN ACT concerning printing and publication of bills, acts, resolutions and other papers of the legislature; amending K. S. A. 1970 Supp. 45-310⁴⁵⁻³¹¹ and 45-315 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K. S. A. 1970 Supp. 45-310 is hereby amended to read as follows: 45-310. (a) All acts and joint resolutions passed at each session of the legislature shall be published in one or more volumes, under the direction of the secretary of state, as soon as practicable after the close of the session at which the same are passed. Such acts and joint resolutions shall take effect and be in force from and after such publication, unless otherwise specifically provided in such act or resolution. Such volume or volumes shall also have included therein an index, the veto messages of the governor, if any, all certificates that a bill or joint resolution or item or items of a bill have been approved notwithstanding the governor's veto, if any, and all concurrent resolutions adopted by the legislature, except such resolutions extending congratulations or making a memorial for any decedent. Whenever any bill, act or resolution of the legislature shall provide that the same shall be effective from and after its publication in the statute book, the words "publication in the statute book" mean publication-in-the-session-laws-of-Kansas-as provided-in-this-section the date of publication of the session laws of Kansas specified in the certificate provided for by K. S. A. 1970 Supp. 45-311 as amended. Nothing contained in this act shall be construed to require the same date of publication for separate volumes of the session laws of Kansas when more than one volume is published for a single legislative session.

(b) Such volume or volumes shall be titled and may be cited as "_____ Session Laws of Kansas." The blank shall be filled with the numeric designation of the year, in the case of regular

sessions, and in the case of special sessions the blank shall be filled with the numeric designation of the year followed by the word "Special." Such title shall be printed on the back of each volume.

(c) The sections in such volume or volumes shall be printed in the same manner as the 1967 Session Laws of Kansas, except (1) material added to an existing section of the statutes shall be printed in italic type, and (2) material deleted from an existing section of the statutes shall be printed in canceled type.

(d) The secretary of state is authorized and directed to exercise editorial judgment in preparation of such volume or volumes to the end that the purposes of this act are made effective.

Sec. 2. K. S. A. 1970 Supp. 45-311 is hereby amended to read as follows: 45-311. The secretary of state shall prefix to each printed volume of the laws his certificate that the acts and resolutions therein contained are truly copied from the original enrolled acts and other official documents of the legislature, and specifying the date of the publication of such volume. The date of publication so specified shall not be sooner than the date that at least a limited number of the volume are in the office of the secretary of state and shall not be later than July 1 if a limited number of the volume are in the office of the secretary of state on or before July 1. The date so specified need not be the same as the date when such volume is first actually distributed. The certificates mentioned in this act shall be evidence of the facts contained therein.

Sec. 3. K. S. A. 1970 Supp. 45-315 is hereby amended to read as follows: 45-315. The secretary of state shall furnish to the state printer, within twenty (20) days after the sine die adjournment of each legislative session occurring in odd-numbered years and within forty (40) days after the sine die adjournment of the legislative session occurring in even-numbered years, a copy of all acts, resolutions and other matters except the index which are required to be published and bound in the session laws, and in

the form required by subsection (d) of ~~section 1 of this act~~
K. S. A. 1970 Supp. 45-301. Thereupon the state printer and the
secretary of state shall complete preparation and printing of at
least a limited number of ~~volumes~~ each volume for publication
on or before July 1 of such year, ~~if practicable~~. The state
printer shall thereafter, as rapidly as practicable, print and
deliver to the secretary of state bound copies as provided by law.

Sec. 4. K. S. A. 1970 Supp. 45-310, 45-311 and 45-315 are
hereby repealed.

Sec. 5. This act shall take effect and be in force from and
after its publication in the official state paper.

HOUSE OF REPRESENTATIVES

	<u>MONTHLY</u>	<u>INSTALLATION</u>
(1) 2 608 Multiple Switchboards	\$ 200.00	
(2) 6 Station Busy Light Groups @ \$1.75	10.50	
(3) 23 Selectors and Connectors @ \$3.50	80.50	
(4) 2 Light Weight Headsets	7.00	
(5) 13 Trunks @ \$20.85	272.05	\$ 143.00
(6) 113 Stations @ \$2.65	299.45	904.00
(7) 3 Econolight Common Equipment	12.00	
(8) Communicator	8.00	
(9) 11 6-Button Sets	44.00	55.00
(10) 6 Band 7 Full Time WATS Lines	3,660.00	66.00
(11) Tie Line to State Centrex	26.50	75.00
(12) Speakerphone	8.00	8.00
(13) 1 Non-Published Private Line	13.90	11.00
(14) 740 Power Plant	50.00	
	<u>\$4,691.90</u>	<u>\$1,262.00</u>
THIS IS \$290.20 OVER LAST YEAR } →		

1. 608 SWITCHBOARDS

Two switchboards are required in the House due to the much heavier volume. This modern switchboard will enable your operator to provide better service. Improved features include automatic ringing. This allows her to complete a call without having to manually ring and thus enables her to answer incoming calls faster. The modern board is also designed with a 5° tilt of the keyboard shelf to give her glare free writing. A clock is also built into this switchboard. PRESENT SINGLE BOARD RENTAL \$25.00

2. STATION BUSY LIGHT GROUP

There are lights associated with each individual station. It lights the 608 Switchboard while the phone is in use. This gives your operator instant status of all stations so she will be able to tell incoming callers immediately if the Representative is available to receive the call. THIS IS NEW

3. SELECTORS-CONNECTORS

These are switches that enable you to dial '9' or dial other stations within the House complex. It must be installed. NO CHANGE

4. LIGHT WEIGHT HEADSET

This modern transistorized headset provides for feather-weight operations. ONE MORE

5. TRUNKS

The trunks are your incoming and outgoing lines. ONE MORE THAN LAST YEAR

6. 113 STATIONS

These stations are the stations you had for the 1970 Session, PLUS 15 FOR NEW OFFICES

7. ECONOLIGHT COMMON EQUIPMENT

This is the equipment that controls lights, hold, and the ability to have more than one line on six-button telephones. **USED WITH 6-BUTTON PHONES**

8. COMMUNICATOR

This has the same feature as the Econolight with the additional feature of a local line within a small office. **"INTERCOM"**

9. SIX-BUTTON TELEPHONES

These are the standard office six-button telephones equipped with hold, lights, and the ability to pick up five lines. **THIS IS NEW**

10. BAND 7 FULL TIME WATS LINES

These are the IN-KANSAS lines that provide you unlimited calling at a fixed monthly rate anywhere within the State of Kansas. **NO CHANGE**

11. TIE LINE TO STATE CENTREX

This line lets you dial any number in the State Centrex Complex and also gives you access to the Foreign Exchange lines of Wichita, Kansas City, Lawrence, and Manhattan. **NO CHANGE**

12. SPEAKERPHONE

This phone allows hands-free conversations so that the user may talk and write at the same time. **NO CHANGE**

13. NON-PUBLISHED PRIVATE LINE

This is the private number which is provided for the Speaker of the House to make and receive calls that he does not wish to go through the switchboard. **NO CHANGE**

14. 740 POWER PLANT

This is the machine in your equipment room up in the attic which provides power to run the House and Senate systems.

OPTIONAL FEATURES

(A) TOLL DIVERTING

The toll diverting is a feature whereby no long distance calls with the exception of WATS and Foreign Exchange can be made off House telephones until first going through the operator.

(B) DIAL DICTATION TERMINALS

These are terminals which we provide which works with your Dial Dictation equipment that we have discussed and this allows any telephone in the House to be able to dial from their desk into the central dictation equipment. You will need one terminal for each simultaneous talking path that you purchase.

(C) 60 ADDITIONAL STATIONS

We recommend 60 additional stations so that each Representative will have his own phone. Reasons being: Representatives will answer only calls which are for him. The operator will be able to determine if the Representative is in or out and be able to handle the call as the situation permits. Also, Representatives will not have to wait to place outgoing calls while his colleague is using the telephone that they share.

(D) MESSAGE WAITING LIGHT SERVICE

This works basically the same way as Message Waiting Lights which are used in progressive motels. On each Representative's telephone there will

be installed a small red light. When an incoming caller attempts to reach the Representative and he is away from his desk, the operator will be able to take the message and activate the light on his telephone. Upon the Representative's return to his desk, he will merely dial "0" and get his message immediately.

(E) CONFERENCING EQUIPMENT

This feature will allow up to four stations plus one outside line or five stations internally to be able to hold voice conferences without having to walk into a meeting room for items which require simple decisions.

SENATE

	<u>MONTHLY</u>	<u>INSTALLATION</u>
(1) 608 Switchboard	\$ 75.00	
(2) Station Busy Indicators 3 Groups of 20 @ \$1.75	5.25	
(3) 12 Selector-Connectors @ \$3.50	42.00	
(4) Light Weight Headset	3.50	
(5) 10 Trunks @ \$20.85	208.50	\$110.00
(6) 57 Stations @ \$2.65	151.05	456.00
(7) 20 Voice Amplifier Telephones on Senate Floor @ \$1.25	25.00	
(8) 20 Lights for Senate Phones @ \$.30	6.00	
(9) 20 Jacks for Senate Phones	-----	
(10) 3 Econolight Common Equipments @ \$4.00	12.00	
(11) 6 Six-Button Telephones @ \$4.00	24.00	30.00
(12) 3 Band 7 Full Time WATS Lines @ \$610.00	1,830.00	33.00
(13) Tie Line to State Centrex	26.50	75.00
<i>This is #138.35 OVER LAST YEAR</i> } → \$2,408.80		\$704.00

1. 608 SWITCHBOARD

This modern switchboard will enable your operator to provide better service. Improved features include automatic ringing. This allows her to complete a call without having to manually ring and thus enables her to answer incoming calls faster. The modern board is also designed with a 5° tilt of the keyboard shelf to give her glare free writing. A clock is also built into this switchboard. *PRESENT RENTAL \$25.00*

2. STATION BUSY LIGHT GROUP

There are lights associated with each individual station. It lights the 608 Switchboard while the phone is in use. This gives your operator instant status of all stations so she will be able to tell incoming callers immediately if the Senator is available to receive the call. *This is NEW*

3. SELECTORS-CONNECTORS

These are switches that enable you to dial "9" or dial other stations within the Senate complex. It must be installed. *NO CHANGE*

4. LIGHT WEIGHT HEADSET

This modern transistorized headset provides for feather-weight operations. *NO CHANGE*

5. TRUNKS

The trunks are your incoming and outgoing lines. *NO CHANGE*

6. 57 STATIONS

These stations are the stations you had for the 1970 Session plus 14 additional stations that have been forecasted by Bob Hougland, of the State Architect's Office.

7. VOICE AMPLIFIER TELEPHONES ON SENATE FLOOR

These phones enable Senators to be able to speak more softly than normal for privacy and yet the called party hears them in his normal speaking tone. **No Change**

8. LIGHTS FOR SENATE PHONES

These lights are installed in lieu of ringing to provide for minimum noise interruptions while the Senate is in session. **No Change**

9. JACKS FOR SENATE PHONES

These are installed as the phones in the Senate are of a portable nature. **No Change**

10. ECONOLIGHT COMMON EQUIPMENT

This is the equipment that controls lights, hold, and the ability to have more than one line on six-button telephones. **USED WITH SIX-BUTTON PHONES**

11. SIX-BUTTON TELEPHONES

These are the standard office six-button telephones equipped with hold, lights, and the ability to pick up five lines. **4 MORE THAN LAST YEAR**

12. BAND 7 FULL TIME WATS LINES

These are the IN-KANSAS lines that provide you unlimited calling at a fixed monthly rate anywhere within the State of Kansas. **No Change**

13. TIE LINE TO STATE CENTREX

This line lets you dial any number in the State Centrex Complex and also gives you access to the Foreign Exchange lines of Wichita, Kansas City, Lawrence, and Manhattan. **No Change**

OPTIONAL FEATURES

(A) TOLL DIVERTING

The toll diverting is a feature whereby no long distance calls with the exception of WATS and Foreign Exchange can be made off Senate telephones until first going through the operator.

(B) DIAL DICTATION TERMINALS

These are terminals which we provide which works with your Dial Dictation equipment that we have discussed and this allows any telephone in the Senate to be able to dial from their desk into the central dictating equipment. You will need one terminal for each simultaneous talking path that your purchase.

(C) 20 ADDITIONAL STATIONS

We recommend 20 additional stations so that each Senator will have his own phone. Reasons being: Senators will answer only calls which are

for him. The operator will be able to determine if the Senator is in or out and be able to handle the call as the situation permits. Also, Senators will not have to wait to place out going calls while his colleague is using the telephone that they share.

(D) MESSAGE WAITING LIGHT SERVICE

This works basically the same way as Message Waiting Lights which are used in progressive motels. On each Senator's telephone there will be installed a small red light. When an incoming caller attempts to reach the Senator and he is away from his desk, the operator will be able to take the message and activate the light on his telephone. Upon the Senator's return to his desk, he will merely dial "0" and get his message immediately.

(E) CONFERENCING EQUIPMENT

This feature will allow up to four stations plus one outside line or five stations internally to be able to hold voice conferences without having to walk into a meeting room for items which require simple decisions.

May 18, 1970

MEMORANDUM TO MEMBERS OF THE JOINT COMMITTEE ON LEGISLATIVE
SERVICES AND FACILITIES

At least one special study committee (Uniform Consumer Credit Code) plans to call out-of-state conferees for consultation in connection with its study. A question has been raised concerning payment of expenses. Since we may have other requests, a procedure should be developed for action on the requests.

In discussion with Fred Carman and after a search of the statutes, it appears there is no specific provision for or against reimbursement to conferees who appear before a committee (but general statutory authorizations may cover this sort of situation.) Section IV of the General Operating Procedures Manual for Standing Committees, October 1, 1969, states:

"Committees and subcommittees may schedule conferees for committee hearings on matters being studied. There is no restriction concerning the number of persons who might be heard. No payment of travel expenses or allowances may be made to any conferee, including any legislator not a member of the committee or subcommittee, without the specific prior written authorization of the Joint Committee on Legislative Services and Facilities."

Although this requirement is not based on a specific statute, it would appear that the Manual, being an interpretation of the statutes and having survived a legislative session without challenge, might be considered quasi-official in lieu of legislation to the contrary. A precedent was established in July 1969 when the Joint Committee authorized reimbursement of mileage to H. Rupert Theobald, Director, Wisconsin Legislative Reference Bureau, for consultation at an appearance before the committee.

Finally, K.S.A. 46-153, 1969 Supp., states in part:

"All amounts paid under authority of this act (46-139, 46-140, 46-147 to 46-152) or under authority of K.S.A. 1968 Supp. 46-142 to 46-145 shall be paid from appropriations made for legislative expenses upon vouchers prepared by the secretary of the joint committee on legislative services and facilities, which vouchers shall be approved by the president pro tem of the senate or the speaker of the house of representatives and such additional specific approvals as are required by this act . . ."

Thus, regardless of any prior approvals the President Pro Tem of the Senate and/or the Speaker of the House are the final approving authorities for any expense vouchers submitted.

It does not appear reasonable to require a meeting of the full committee to take action on each request for payment of travel expenses of committee consultants. An alternative approach would be for the joint committee to authorize the secretary to provide written approval or disapproval, as the case may be, after clearing with the President Pro Tem of the Senate and/or the Speaker of the House in addition to the chairman of the joint committee. In the event one of the aforementioned individuals should desire full committee approval for a particular case, a meeting could then be called for that purpose.

After consideration and discussion, if the committee should agree with the above approach, a motion could be presented at our next meeting to authorize this procedure.

Prepared by: William R. Bachman, Secretary