MINUTES OF THE House COMMITTEE ON Rules

Held in Room 522, at the Statehouse at 2:30 ~~a~~.m./p. m., on March 30, 19 77.

All members were present ~~except~~.

The next meeting of the Committee will be held upon call a. m./p. m., on _____, 19___.

These minutes of the meeting held on _____, 19___ were considered, corrected and approved.

Phil Martin
Chairman

The conferees appearing before the Committee were:

The meeting was called to order by the Chairman, who distributed copies of the agenda and asked for discussion on possible modification of the rules. (See copy of agenda.)

The Chairman mentioned that he had discussed the agenda earlier with Rep. Miller and had distributed a memorandum to the entire membership of the House so they could have input if they desired. He noted that he rather liked the suggestion in Item 1 of the agenda because there seemed to be a tendency for members to disappear when controversial items came up.

Mr. Fred Carman, the Revisor of Statutes noted that he believed Senate Rule 37 says that five members may demand a roll call vote on motions to strike the enacting clause. Rep. Miller noted that the House has been doing this, but it doesn't happen very often. Mr. Carman suggested that possibly it should come before a full committee sometime.

The Chairman stated that with regard to Item 2, sometimes it is effective and sometimes a dangerous policy, and doesn't feel that rules speak directly to reconsideration by the Committee of the Whole. Mr. Carman stated that Rule 42 is similar to Rule 27 in the Senate. There is some limitation but both are open to being available in the Committee of the Whole. He thought it might be more informative to the members if it were specified. Rep. Frey inquired what the purpose might be of reconsidering the report of the Committee of the Whole, and the Chairman stated that it would just put the bill back on General Orders in cases where some problems were discovered before final action. He agreed that the privilege could be abused but there are times when the policy is needed.

Mr. Carman noted that there is one more limitation in the Senate rules, and that is if the bill goes out of the possession of the Senate, it cannot be reconsidered, but the House does not have that limitation. Rep. Miller stated he didn't like that because people can play games with the possession of documents.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

The Chairman called attention to Item 3, stating that some members had expressed some concerns about admissions to the floor of the House. Members had no comment.

The Chairman asked if members had feelings about Item 4, dealing with reconsideration of bills on the date of deadline for consideration. Mr. Carman suggested it might be something that should go into the joint rules. He felt that Joint Rule 4 might speak to that if properly revised. He stated he felt the ruling made in the House was valid and would be what members would want to do. The Chairman asked Mr. Carman to prepare a proposal on this sometime over the interim.

Rep. Miller expressed the opinion that the deadline should be hard and fast because it would be more understandable. Mr. Carman agreed with this idea. The Chairman stated he hated to think the body could wind up staying an additional couple of days, and Mr. Carman stated he could draft it both ways and let the House look at it.

Rep. Miller noted that Item 5 was on the agenda at his request and as a result of a seminar he had attended at K.U. He stated that everyone seemed to feel that it was a good idea for the bills to go to General Orders after the standing committee report. He noted he had visited with the Speaker and he had said it wouldn't be necessary because there was not going to be a "bone pile"; however, Rep. Miller stated he feels there definitely is one. He urged there would be some control over committee chairmen who let things out of committee without being ready to defend them.

The Chairman asked the Revisor to check and see how some other states operate in this regard, and then have the committee review that information later.

The Chairman called for comments on Item 6, dealing with substitute amendments. Mr. Carman stated that Rule 40 of the Senate prohibits more than one substitute motion to amend, and that a substitute motion to report, once made, shall be decided subject to Rule 49, and the substitute motion must be decided before you can go on. Rep. Miller asked if a substitute motion passes if they could go back to the original motion, and the Chairman stated he was thinking of more of a "filibuster" by way of substitute motions. Mr. Carman noted the Senate rule prohibits that. He stated that the situation was being abused in the Senate and that is why they passed the rule, but he felt it is rather "high handed" unless it is getting abused in the House. Rep. Mikesic stated that unless it was being abused, it should be left alone.

Rep. Miller stated that it doesn't seem fair that if a substitute motion is made and passes that the other motion cannot be offered again. The Chairman stated he didn't think there was anything to stop it.

Mr. Ensley, Assistant Revisor, stated there is nothing on substitute amendments at all. The Chairman stated it is something that should be looked at.

With regard to Item 7, the Chairman asked if there should be a deadline for consideration of administrative Rules and Regulations. Rep. Miller stated that the interim committee was very strong for a deadline, but that the Speaker had indicated there wouldn't be a problem, but there has been; that they have not been handled promptly.

Mr. Ensley called attention to the fact that a bill has been introduced which will add some procedures. The Chairman asked if Mr. Ensley would look at this and see what could be done. Mr. Ensley stated he felt it would be simple to handle. The Chairman urged that whatever the procedure, it should be practical, reasonable and workable.

The Chairman asked for comments on Item 8, and Mr. Ensley stated there is nothing in the rules now about motions to pass over a bill on General Orders. Mr. Carman stated that the Senate has ruled it takes a two-thirds vote. The Chairman stated he had not observed it to be too much of a problem.

Rep. Frey called attention to the rule about smoking on the floor, and suggested it should either be enforced or abolished. The Chairman expressed the opinion that the Committee should not act as a policeman, but that if members would call the matter to the attention of the Sgt. of Arms, it would no doubt be dealt with.

Rep. Frey displayed a handout which had been distributed all members, and which does not relate to legislative matters. He expressed the opinion that such non-legislative matters should not be distributed in this manner, nor produced at state expense. The Chairman stated he would discuss the matter with the leadership.

The Chairman suggested that the Committee might want to meet in December before the legislature convenes in January.

The meeting was adjourned.

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CHAIRMAN: RULES AND JOURNALS
MEMBER: WAYS AND MEANS
JUDICIARY

HOUSE OF
REPRESENTATIVES

March 24, 1977

RULES COMMITTEE AGENDA

Meeting to be held upon adjournment of the House, on Wednesday, March 30, 1977

Room 522

A. Review minutes of previous meetings

B. Consideration and discussion of possible modification of House and Joint rules

1. Should a call of the House be allowed on a motion to strike the enacting clause?

2. Should reconsideration of the report of the Committee of the Whole be allowed?

3. Are changes needed in the House rules concerning admittance to the House Chamber?

4. Is a rule change needed to clarify procedures for reconsideration of a bill on the date of deadline for consideration of a bill by the House or Senate?

5. Are modifications needed in the House rules regarding the scheduling of bills on General Orders after receiving reports of standing committee?

6. Should more than one substitute amendment be allowed?

7. Should a deadline be set for consideration by standing committees and the House on administrative rules and regulations?

8. General discussion of motion to pass over a bill on General Orders?

PHIL MARTIN, Chairman
Rules Committee