

Approved January 19, 1993
Date

MINUTES OF THE HOUSE COMMITTEE ON RULES AND JOURNAL

The meeting was called to order by Chairperson Walker Hendrix at 11:40 a.m. on January 14, 1993 in room 529-S of the Capitol.

All members were present.

Committee staff present: Norman Furse, Revisor of Statutes
Janet E. Jones, Chief Clerk of House

Norman Furse distributed comparison analyses of Mason's Manual to Robert's Rules of Order and the proposed Rules of the House of Representatives (see attached #1, #2).

Joint Rules of the House and Senate (**HCR 5003**) were considered. Changes from past rules were noted (see attachment #3) [Dates on deadlines for introduction and consideration of bills; clarifying the conferees needed to sign an agree to disagree conference committee report.]

Rep. Everhart presented an amendment to the Joint Rules relating to actions to be taken during the veto (or wrapup) session (see attachment #4).

The committee recessed until 3:00 p.m.

Rep. Hendrix reconvened the meeting. [Rep. Hochhauser arrived during the meeting.]

On motion of Rep. Haulmark, seconded by Rep. Allen, **HCR 5003** was amended by the adoption of new subsection (l) to Joint Rule 4, limiting bills to be considered during the veto session (see attachment #5).

On motion of Rep. Allen, seconded by Rep. Haulmark, to pass **HCR 5003** out of committee as amended, the vote was yeas 3, nays 1.

Discussion was held on the proposed changes to **HR 6004** (see attachment #6). Rep. Hendrix reported the leadership found no alternative smoking areas available in the statehouse. Other changes proposed at the meeting on January 13 were approved. Norman Furse is to continue working on wording to relating to resolutions and certificates.

The committee will meet Tuesday, January 19 at 10:30 a.m. in Room 529-S.

MEMORANDUM

To: Norman Furse
Revisor of Statutes

From: Amy Buchele Ash *ABA*
Assistant Revisor of Statutes

Re: Comparison of Parliamentary Rules of Procedure

Date: May 11, 1992

Attached is a chart which compares the requirements of Robert's Rules of Order with Mason's Manual of Legislative Procedure. There are two significant differences between these systems:

1. Vote required for adoption: Mason's requires only a majority vote for the adoption of a measure, unless the legislature has a special rule requiring a higher vote. The vote required for adoption varies under Robert's, depending on the type of motion being considered.
2. Motions that must be seconded: Mason's does not require motions to be seconded while Robert's requires that most motions be seconded.

In other instances where the two systems differ, the page numbers in Mason's where the differences are discussed are cited on the chart. The right-hand margin of the chart contains page references to Mason's where the particular motions are discussed. Unfortunately, Mason's addresses some motions only generally, which makes a comparison with the detailed provisions of Robert's difficult. Therefore, the chart is incomplete in places or has been completed using the following general principles provided in Mason's:

1. A member who is speaking may be interrupted only when a question requires immediate consideration. (pg. 70)
2. Members of a deliberative body have the right to debate every substantive question presented to the body for determination, but do not have the right to debate purely procedural questions. (pg. 61)
3. All original main motions (matters of business presented to the body for consideration) and all other motions may be amended except for those listed on pages 259-60.
4. Procedural motions generally are not subject to reconsideration but may be renewed. Substantive propositions

R-1 JAN 14 1993 att/-1

are subject to reconsideration but may not be renewed. (pgs. 297-98)

Please let me know if you require further information regarding these rules.

RJJ JAN 14 1993 att 1-2

II. TABLE OF RULES RELATING TO MOTIONS

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | MUST BE SECONDED ² |
|--|--------------------|---|----------------------------------|
| 1. Main motion or question (10) | M | No No | Yes No |
| 2. Adjourn, ordinary case in societies (21) | P | No No | Yes No |
| 3. Adjourn at or to a future time, or in advance of a time already set, or when the assembly will thereby be dissolved (8, 10, 21) | M | No No | Yes No |
| 4. Adopt, accept, or agree to a report (10, 50) | M | No No | Yes No |
| 5. Adopt bylaws or constitution, initially in forming a society (10, 53, 55) | M | No | Yes ³ |
| 6. Adopt revised bylaws or constitution (34, 53, 56) | M/B | No | Yes ³ |
| 7. Adopt special rules of order (2, 10) | M | No | Yes |
| 8. Adopt ordinary standing rules (p. 17) (2, 10) | M | No | Yes |

¹Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions that bring a question again before the assembly (see pp. 75 ff.).

(For forms used in making motions, see Table III.)

| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED | |
|------------|----------------|--|------------------------|----------------------------------|
| Yes Yes | Yes Yes | Majority, except as explained on pages 100-101 majority | Yes Yes | pgs. 128, 136-38, 285-288 |
| No No | No No | Majority majority | No No | pgs. 148-55, 289 |
| Yes Yes | Yes Yes | Majority majority | No No | pgs. 148-55, 289 |
| Yes Yes | Yes Yes | Majority majority | Yes Yes | pgs. 454-56, 538-541 |
| Yes | Yes | Majority | Negative vote only | Not applicable |
| Yes | Yes | As provided in existing bylaws. (In absence of such provision, same as in next line) | Negative vote only | Not applicable |
| Yes | Yes | (a) Previous notice and two-thirds; or (b) majority of entire membership | Negative vote only | pgs. 13-14 general discussion |
| Yes | Yes | Majority | Yes | pgs. 13-14 general discussion |

²Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

³In practice, motion is usually made by the reporting member of a committee, in which case it does not require a second.

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | MUST BE SECONDED ² |
|---|--------------------|---|----------------------------------|
| 9. Adopt parliamentary standing rules in a convention (10, 58) | M | No | Yes ³ |
| 10. Adopt convention agenda or program (10, 58) | M | No | Yes ³ |
| 11. Amend a pending motion (12) | S | No No | Yes No |
| 12. Amend an amendment of a pending motion (12) | S | No No | Yes No |
| 13. Amend Something Previously Adopted, general case, including ordinary standing rules (34) | M/B | No | Yes |
| 14. Amend parliamentary standing rules in a convention, when they are not pending (34, 58) | M/B | No | Yes |
| 15. Amend adopted convention agenda or program with reference to items not yet reached (34, 58) | M/B | No | Yes ³ |

¹Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions that bring a question again before the assembly (see pp. 75 ff.).

²Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|---|-------------------|---|------------------------|
| Yes | Yes | Two-thirds | Negative vote only |
| Yes | Yes | Majority | Negative vote only |
| If motion to be amended is <i>debatable</i> <i>same</i> ³ | Yes <i>Yes</i> | Majority <i>majority</i> | Yes <i>Yes</i> |
| If motion to be amended is <i>debatable</i> <i>same</i> ³ | No <i>No</i> | Majority <i>majority</i> | Yes <i>Yes</i> |
| Yes | Yes | (a) Majority with notice; or (b) two-thirds; or (c) majority of entire membership | Negative vote only |
| Yes | Yes | Two-thirds; or majority of all having convention voting rights who have been registered | Negative vote only |
| Yes | Yes | As immediately above, though often by unanimous consent after Program Committee's recommendation | Negative vote only |

³In practice, motion is usually made by the reporting member of a committee, in which case it does not require a second.

⁴Debate on motion must be confined to its merits only, and cannot go into the main question except as necessary for debate of the immediately pending question.

Not applicable

Not applicable

pgs. 258-79

pgs. 258-79

Not discussed in
mason's

Not applicable

Not applicable

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | MUST BE SECONDED ² |
|---|--------------------|---|----------------------------------|
| 16. Amend bylaws or constitution, when not pending (34, 56) | M/B | No No | Yes No |
| 17. Amend special rules of order, when not pending (2, 34) | M/B | No No | Yes No |
| 18. Appeal, general case (24) | I | Yes, at time of appealed ruling Yes | Yes No |
| 19. Appeal, relating to in- decorum or transgression of rules of speaking, or to the priority of business, or if made while an undebatable question is pending (24) | I | Yes, at time of appealed ruling Yes | Yes No |
| 20. Ballot, to order the vote on pending question to be taken by (30, 44) | I | No | Yes |
| 21. Blank, to create by striking out (12) | I | No | Yes |
| 22. Blanks, proposals for filling (12) | — | Can be called out when chair asks for them Same → | No No |

¹Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions that bring a question again before the assembly (see pp. 75 ff.).

| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|--|----------------|---|------------------------------|
| Yes Yes | Yes Yes | As provided in bylaws or constitu- tion. (In absence of such provision, same as in No. 17, following) → Same | Negative vote only Yes |
| Yes Yes | Yes Yes | (a) Previous notice and two-thirds; or (b) majority of entire membership majority | Negative vote only Yes |
| Yes,* under rules starting on page 256 Yes | No No | Majority in negative required to reverse chair's decision majority | Yes Yes |
| No | No | Majority in negative required to reverse chair's decision | Yes |
| Yes | No | majority | Yes |
| No | Yes | Majority | Yes |
| No | No | Majority | No |
| Yes* Yes | No No | Majority majority | Yes Yes |

*Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

*Debate on motion must be confined to its merits only, and cannot go into the main question except as necessary for debate of the immediately pending question.

pgs. 255-79

pgs. 258-79

pgs. 165-70

pgs. 165-70

pgs. 370-71
general discussionpgs. 275-77 No
specific discussion

pgs. 275-77

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | MUST BE SECONDED ² |
|--|---------------------------------|---|----------------------------------|
| 23. Change or depart from adopted convention agenda or program, immediately to take up a matter out of its proper order (34) | I | No | Yes |
| 24. Commit, Refer, or Recommit a pending question (13) | S | No No | Yes No |
| 25. Committee, to refer a matter that is not pending to (10, 13) | M | No No | Yes No |
| 26. Consider informally (13, 51) | S | No No | Yes No |
| 27. Consider by Paragraph or Seriatim (28) | I | No No | Yes No |
| 28. Continue speaking after indecorum, to grant permission to (23, 60) | I | No | Yes, if in form of a motion |
| 29. Debate and amendment, to obtain immediate closing of | (See Previous Question, No. 65) | | |
| 30. Debate, to Limit or Extend Limits of, on a pending question (15) | S | No No | Yes No |

¹Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions that bring a question again before the assembly (see pp. 75 ff.).

| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|-------------------------|----------------|---|---|
| No | No | Two-thirds, or majority of all having convention voting rights who have been registered | No |
| Yes ¹ Yes | Yes Yes | Majority majority | If committee has not begun consideration of the question No |
| Yes Yes | Yes Yes | Majority majority | If committee has not begun work on the matter No |
| Yes ¹ Yes | No No | Majority majority | Negative vote only No |
| No No | Yes Yes | Majority majority | No No |
| No | No | Majority | Yes |
| No No | Yes Yes | Two-thirds majority | Yes; but if vote was affirmative, only unexecuted part of order Yes |

¹Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

²Debate on motion must be confined to its merits only, and cannot go into the main question except as necessary for debate of the immediately pending question.

Not applicable

PCA. 250-57

PCA. 250-57

PCA. 461-66

PCA. 82-84

Not discussed in MASDA's

PCA. 238-43

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | MUST BE SECONDED ² |
|---|-----------------------------|---|----------------------------------|
| 31. Debate, to Limit or Extend Limits of, for the duration of a meeting (10, 15) | M | No No | Yes No |
| 32. Discharge a Committee (35) | B or M/B ³ | No No | Yes No |
| 33. Discharge a Committee, when it has failed to report at prescribed time, or while assembly is considering partial report of committee (35) | B or M/B ³ | No | Yes |
| 34. Division of the Assembly (call for verification of a voting result by an uncounted rising vote) (29) | I | Yes Yes | No No |
| 35. Count of vote on Division, to order, if chair does not do so (4, 29, 30, 44) | I | Yes Yes | Yes No |
| 36. Division of a Question (27) | I | No No | Yes No |

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| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|---|----------------|---|--------------------------|
| P. 240 Yes No | Yes Yes | Two-thirds majority | Yes Yes |
| Yes; debate can go into question in hands of the committee Yes | Yes No | (a) Majority with notice; or (b) two-thirds; or (c) majority of entire membership majority | Negative vote only No |
| Yes; debate can go into question in hands of the committee | Yes | Majority | Negative vote only |
| No No | No Yes | Demand of single member compels Division majority | No No |
| No No | Yes Yes | Majority majority | No No |
| No No | Yes Yes | Majority majority | No No |

pgs. 238-43, 438

pgs. 319-20

See generally pgs. 319-20 + 444-45.
No specific discussion in Mason's.

pgs. 362, 365-66

pgs. 362, 365-66

pgs. 216-21

²Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

³B if committee is discharged from consideration of question that was pending at time of referral and was referred by subsidiary motion to *Committee*; M/B if subject was referred by a main motion (see pp. 307-308).

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER | | MUST BE SECONDED ² |
|--|-------------------------|---|---|----------------------------------|
| | | HAS THE FLOOR | | |
| 37. Call for a separate vote on a resolution which is one of a series <i>on different subjects</i> offered by a single motion (pp. 108, 271) (10, 27) | I | Yes <i>Yes</i> | No <i>No</i> | |
| 38. Duty, to be excused from (32) | I | Yes | Yes, if motion is made by member to be excused; no, if made by another member | |
| 39. Effect, fix time for taking (10, 12, 56) | M, S, or I ³ | No | Yes | |
| 40. Extend time for consideration of pending question, or time until scheduled adjournment or recess (18) | I | Yes; when orders of the day are announced or called for | Yes | |
| 41. Fix the Time to Which to Adjourn, if moved while a question is pending <i>and</i> no other meeting is scheduled for the same or the next day (22) | P | No <i>No</i> | Yes <i>No</i> | |
| 42. Fix the Time to Which to Adjourn, when another meeting is scheduled for the same or the next day, or if the motion is made while no question is pending (10, 22) | M | No <i>No</i> | Yes <i>No</i> | |

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| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|-----------|----------------|--|------------------------|
| No | No | Demand of single member compels specified separate vote | No |
| No | No | Majority | No |
| Yes | Yes | Majority | Negative vote only |
| Yes | Yes | Majority | Yes ⁷ |
| No | No | Two-thirds | No |
| No | Yes | Majority | Yes |
| Yes | Yes | majority | Yes |
| Yes | Yes | Majority | Yes |
| Yes | Yes | majority | Yes |

²Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

⁴See p. 590. This motion can be made as a main motion, as an amendment to enacting words, or as an incidental motion, and the same rules apply.

⁷See, however, Sec'd Characteristic 2, pp. 312-313 and pp. 322 ff.

pg. 70, 216-21

pg. 353 + 54
general discussion

pg. 514
general discussion

Not specifically
discussed in
mason's

pg. 148
general discussion

pg. 148
general discussion

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | | MUST BE SECONDED ² |
|--|---|---|---------------|----------------------------------|
| | | Yes | No | |
| 43. Information, Point of (32) | I | Yes <i>Yes</i> | No <i>No</i> | No <i>No</i> |
| 44. Lay on the Table (17) | S | No <i>No</i> | Yes <i>No</i> | No <i>No</i> |
| 45. Minutes, to approve (when done by a motion) (10, 47) | M | No | Yes | |
| 46. Minutes, to correct before adoption (when done by a motion) (12, 47) | S | No | Yes | |
| 47. Minutes, to correct after approval | (See Amend Something Previously Adopted, No. 13.) | | | |
| 48. Minutes, to dispense with reading of (47) | I | No | Yes | |
| 49. Nominations, to make (45) | — | No <i>No</i> | No <i>No</i> | No <i>No</i> |
| 50. Nominations, to close (31) | I | No <i>No</i> | Yes <i>No</i> | No <i>No</i> |
| 51. Nominations, to reopen (31) | I | No <i>No</i> | Yes <i>No</i> | No <i>No</i> |
| 52. Nominations, motions relating to (except to close or reopen nominations) made while election is pending (31) | I | No <i>No</i> | Yes <i>No</i> | No <i>No</i> |

¹Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions

| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|----------------|----------------|---|--|
| No <i>No</i> | No <i>No</i> | Is not voted on | No <i>No</i> |
| No <i>No</i> | No <i>No</i> | Majority <i>majority</i> | No <i>No</i> |
| Yes | Yes | Majority | Yes |
| Yes | Yes | Majority | Yes |
| No | No | Majority | No |
| Yes <i>Yes</i> | No <i>No</i> | Majority for election unless bylaws provide otherwise | Election cannot be reconsidered after person elected learns of it and has not declined <i>No</i> |
| No <i>No</i> | Yes <i>Yes</i> | Two-thirds <i>majority</i> | No <i>No</i> |
| No <i>No</i> | Yes <i>Yes</i> | Majority <i>majority</i> | Negative vote only <i>No</i> |
| No | Yes | Majority | Yes |
| No <i>No</i> | Yes <i>Yes</i> | majority | Yes |

that bring a question again before the assembly (see pp. 75 ff.).

²Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

pg. 180

pgs. 223-30

No specific discussion in Mason's

pg. 267

general discussion

pg. 267

general discussion

Not applicable

pgs. 213-215, 375-78

pgs. 377-78, 213-15

pg. 378

pg. 375-76, 213-215

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | MUST BE SECONDED ² |
|---|--------------------|---|----------------------------------|
| 53. Nominations, motions relating to, made while election is not pending (10, 45) | M | No No | Yes No |
| 54. Objection to Consideration of a Question (26) | I | When another <i>has been assigned</i> the floor, until debate has begun or a subsidiary motion has been stated by chair | No Yes No |
| 55. Order, to make a special, when question is not pending (see No. 63) (10, 40) | M | No No | Yes No |
| 56. Orders of the Day, to Call for (18) | P | Yes Yes | No No |
| 57. Orders of the day, to proceed to (18) | — | Chair at his discretion puts this question when orders of the day are due to be taken up or are called for same | — |
| 58. Order of the day, when pending (10, 18, 40) | M | — | — |
| 59. Order, Point of, Question of, or Calling a Member to (23) | I | Yes Yes | No No |
| 60. Parliamentary Inquiry (32) | I | Yes Yes | No No |

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| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|---|-------------------|--|--|
| Yes Yes | Yes Yes | Majority majority | Yes Yes |
| No No | No No | Two-thirds against consideration sustains objection majority | Negative vote (sustaining objection) only No |
| Yes* Yes | Yes Yes | Two-thirds majority | Yes Yes |
| No No | No No | Must be enforced on demand of one member unless set aside by a two-thirds vote (see p. 221) majority | No No |
| No No | No No | Two-thirds in negative required to refuse to proceed to orders of the day majority | No No |
| Yes Yes | Yes Yes | Majority, except as explained on pages 100-101 majority | Yes Yes |
| No (but chair can permit full explanation and can submit question to assembly, in which case rule is as for Appeal; see No. 18) | No No | Is ruled upon by chair (unless he submits question to judgment of majority in assembly) same | No No |
| No No | No No | Is not voted on, but is responded to by chair same | No No |

²Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

³Debate on motion must be confined to its merits only, and cannot go into the main question except as necessary for debate of the immediately pending question.

pgs. 375-74, 213-15

pgs. 206-212

pgs. 188-89

pgs. 183-184

pgs. 183-184

pg. 184

pgs. 171-77

pgs. 178-82

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | MUST BE SECONDED ² |
|---|--------------------|---|--|
| 61. Postpone Indefinitely (11) | S | No <i>No</i> | Yes <i>No</i> |
| 62. Postpone to a Certain Time, or Definitely, applied to a pending question (14) | S | No <i>No</i> | Yes <i>No</i> |
| 63. Postpone a pending question to a certain time and make it a special order (see No. 55) (14) | S | No <i>No</i> | Yes <i>No</i> |
| 64. Postpone an event or action previously scheduled (34) | M/B | No <i>No</i> | Yes <i>No</i> |
| 65. Previous Question (immediately to close debate and the making of subsidiary motions except the motion to Lay on the Table) (16) | S | No <i>No</i> | Yes <i>No</i> |
| 66. Question of Privilege, to Raise while regular introduction as main motion is not in order (19) | P | Yes, but should not interrupt a person who has begun to speak, unless unavoidable <i>Yes</i> | No; but if the question of privilege there- by raised is in the form of a motion, the motion must be seconded <i>No</i> |

¹Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions that bring a question again before the assembly (see pp. 75 ff.).

| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|---|-------------------|---|---|
| Yes; debate can go into main question <i>Yes</i> | No <i>No</i> | Majority <i>majority</i> | Affirmative vote only <i>Yes</i> |
| Yes* <i>Yes</i> | Yes <i>Yes</i> | Majority, unless it makes question a special order <i>majority</i> | Yes <i>No</i> |
| Yes* <i>Yes</i> | Yes <i>Yes</i> | Two-thirds <i>majority</i> | Yes <i>No</i> |
| Yes <i>Yes</i> | Yes <i>Yes</i> | (a) Majority with notice; or (b) two-thirds; or (c) majority of entire membership | Negative vote only <i>No</i> |
| No <i>No</i> | No <i>No</i> | Two-thirds <i>majority</i> | Yes; but if vote was affirmative, only before any vote has been taken under it <i>No</i> |
| No <i>No</i> | No <i>No</i> | Admissibility of question is ruled upon by chair <i>same</i> | No <i>No</i> |

²Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

³Debate on motion must be confined to its merits only, and cannot go into the main question except as necessary for debate of the immediately pending question.

pgs. 280-83

pgs. 244-48

pg. 244-49

pgs. 244-49

pgs. 232-37

pgs. 159-63

Re J JAN 14 1968 CTH L-11

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | MUST BE SECONDED ² |
|---|--------------------|--|---|
| 67. Question of privilege (a) when brought up while an ordinary main motion is in order; and (b) when pending (irrespective of how brought up) (10, 19) | M | Floor should be obtained in usual manner if question is brought up while main motion is in order <i>Yes</i> | Yes <i>No</i> |
| 68. Ratify, or Confirm (10) | M | No | No Yes No |
| 69. Read Papers, to grant permission to (32) | I | If not granted by unanimous consent, can be moved by person requesting permission or by another while the former has the floor | Yes, if motion is made by person requesting permission; no, if made by another member |
| 70. Recess, to take a, if moved while business is pending (20) | P | No | Yes No |
| 71. Recess, to take a, if moved while no question is pending (10, 20) | M | No | Yes No |
| 72. Reconsider (36) | B | When another has been assigned the floor, but not after he has begun to speak <i>Yes</i> | Yes No |

¹Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions

| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|---|----------------|--|------------------------|
| Yes | Yes | Majority | Yes |
| <i>Yes</i> | <i>Yes</i> | <i>majority</i> | <i>Yes</i> |
| Yes | Yes | Majority, except as explained on pages 100-101 | Yes |
| <i>Yes</i> | <i>Yes</i> | <i>majority</i> | <i>Yes</i> |
| No | No | Majority | Yes |
| No | Yes | Majority | No |
| <i>No</i> | <i>Yes</i> | <i>majority</i> | <i>No</i> |
| Yes | Yes | Majority | No |
| <i>Yes</i> | <i>Yes</i> | <i>majority</i> | <i>No</i> |
| If motion to be reconsidered is debatable, in which case debate can go into that question | | | |
| Yes | No | Majority | No |
| <i>Yes</i> | <i>No</i> | <i>majority</i> | <i>No</i> |

that bring a question again before the assembly (see pp. 75 ff.).

²Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

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*pgs. 80-82
general discussion*

pgs. 154-58

pgs. 154-58

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II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS ¹ | IN ORDER WHEN ANOTHER HAS THE FLOOR | MUST BE SECONDED ² |
|---|---|--|----------------------------------|
| 73. Reconsider, in a committee (36) | B | Cannot interrupt a person speaking <i>Yes</i> | No <i>No</i> |
| 74. Reconsider, call up motion to (36) | — | No <i>No</i> | No <i>No</i> |
| 75. Rescind, Repeal, or Annul (34) | M/B | No <i>No</i> | Yes <i>No</i> |
| 76. Refer | (See <i>Commit, Committee</i> , Nos. 24 and 25.) | | |
| 77. Substitute | (See <i>Amend a pending motion</i> , No. 11.) | | |
| 78. Suspend the Rules (as applied to rules of order) (25) | I | No <i>No</i> | Yes <i>No</i> |
| 79. Suspend ordinary standing rules, or standing rules in a convention (25, 58) | I | No <i>No</i> | Yes <i>No</i> |
| 80. Take from the Table (33) | B | No <i>No</i> | Yes <i>No</i> |
| 81. Take up a question out of its proper order | (See <i>Suspend the Rules [as applied to rules of order]</i> , No. 78; cf. also No. 23) | | |

¹Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions

| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|--|-----------------|---|----------------------------------|
| As in No. 72, preceding <i>Yes</i> | No <i>No</i> | Two-thirds; but majority if every committee member who voted with prevailing side is present or was notified <i>majority</i> | No <i>No</i> |
| — | — | — | — |
| <i>Yes</i> | <i>Yes</i> | (a) Majority with notice; or (b) two-thirds; or (c) majority of entire membership <i>majority</i> | Negative vote only <i>Yes</i> |
| — | — | — | — |
| — | — | — | — |
| No <i>No</i> | No <i>No</i> | Two-thirds—except where rule protects a minority of less than one third (see pp. 260 ff.) <i>majority</i> | No <i>No</i> |
| No <i>No</i> | No <i>No</i> | Majority <i>majority</i> | No <i>No</i> |
| No <i>No</i> | No <i>No</i> | Majority <i>majority</i> | No <i>No</i> |

that bring a question again before the assembly (see pp. 75 ff.).

²Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

| MOTION | CLASS* | IN ORDER WHEN ANOTHER HAS THE FLOOR | | MUST BE SECONDED ¹ |
|---|--------|---|----|---|
| | | | | |
| 82. Voting, motions relating to, if made while subject is pending (30) | I | No | No | Yes No |
| 83. Voting, motions relating to, if made while no question is pending (10, 30, 44, 45) | M | No | No | Yes No |
| 84. Withdraw or Modify a Motion, to grant maker permission to, after motion has been stated by the chair (32) | I | If not granted by unanimous consent, can be moved by person requesting permission, or by another while the former has the floor <i>Same</i> | | Yes, if motion is made by person requesting permission, no, if made by another member <i>No</i> |

*Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions

| DEBATABLE | AMEND- ABLE | VOTE REQUIRED FOR ADOPTION | CAN BE RECONSIDERED |
|---------------------------|-------------------|--|---|
| No <i>No</i> p. 214 | Yes <i>Yes</i> | Majority, except two-thirds for motion to close polls <i>majority</i> | To close polls, no; to reopen polls, negative vote only; all others, yes <i>No</i> p. 214 |
| Yes <i>No</i> | Yes <i>Yes</i> | Majority <i>majority</i> | Yes <i>No</i> |
| No | No | Majority | As to withdrawal, negative vote only; as to modification, yes |
| <i>No</i> | <i>No</i> | <i>majority</i> | <i>Withdrawal - no modification - yes</i> |

p. 213-15

p. 213-215

p. 195-198

p. 198

that bring a question again before the assembly (see pp. 75 ff.).
¹Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee

MEMORANDUM

To: Norman Furse
Revisor of Statutes

From: Amy Buchele Ash
Assistant Revisor of Statutes

Re: Comparison of Legislative Rules with
Mason's Manual of Legislative Procedure

Date: June 18, 1992

The attached summary is a comparison of the rules used by both houses of the legislature with Mason's Manual of Legislative Procedure. While compiling this information, I found few major differences between the rules. Mason's is a more detailed set of rules that addresses most aspects of the legislative process. The House and Senate rules are less detailed and were written to address specific situations. Any questions not addressed by the House and Senate rules are likely to be resolved by custom or by consulting Roberts Rules of Order.

I hope this summary is helpful. Please let me know if you require additional information.

R+S JAN 14 1993 *att2-1*

Summary of Rules

1. What Constitutes a Quorum

HR 301
SR 2
M 500

Mason's is identical to the House and Senate rules in that it requires a majority of the members elected (or appointed) and qualified to constitute a quorum to transact legislative business.

2. Absence of a Quorum

HR 302
SR 2
M 505

Mason's is identical to the House and Senate rules in authorizing the members of the body who are present to do whatever is necessary to attain a quorum.

3. Roll Call to Determine a Quorum

HR 303
SR 2
M 504

The House and Senate rules require a roll call to be taken to determine the existence of a quorum. Mason's does not explicitly require a roll call to be taken but acknowledges that it is a method of determining the existence of a quorum. Under Mason's, where a roll call shows that there was a quorum for the transaction of business but the roll call on a particular proposition shows that less than a quorum voted, it is presumed that a quorum was present at the time the vote was taken.

In addition to the above provisions, Mason's contains other sections which discuss quorums:

501 Computing a Quorum
502 Who may be Counted in Determining a Quorum
503 Members Present Constitute a Quorum
506 Less than a Quorum Can Adjourn

4. Introduction of Bills and Resolutions

HR 701-704
SR 31
M 726

Mason's states that a bill is not regarded as having been introduced until it has been delivered to the desk, read and given a number. The introduction of bills and resolutions is a more formal process under Mason's. During the appropriate order of business, the legislator must rise to secure recognition from the presiding officer and present the measure by having a page deliver it to the desk. Mason's does recognize the fact that

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many legislatures now allow documents to be sent to the desk in advance of the appropriate order of business. The House and Senate allow several methods of introduction: By the sponsor of the legislation, by the chairperson or vice-chairperson of the committee that authorized the introduction of the legislation, by message from the other body and by prefiling the legislation. In addition, House rules allow legislative staff to introduce bills, unlike Mason's and the Senate rules.

5. Reference of Bills and Resolutions

HR 901-905

SR 32

M Not applicable

The House and Senate rules require the chief officer of the body to refer every bill and concurrent resolution to a committee after introduction. Legislative rules also specify that certain types of legislation should be referred to specific committees (for example, Senate rules require all bills making appropriations to be referred to the committee on Ways & Means). Mason's does not discuss the initial reference of bills and resolutions to committees. Rather, the manual (in sections 378 through 391) addresses the treatment of the motion to refer, which normally occurs while the measure is under consideration.

6. Committee Meetings; Time and Place

HR 1301

SR

M 625-630

Mason's differs slightly from House rules in describing the chairperson's authority to establish meetings. Under House rules, the speaker and the committee chairperson have the power to establish the times and places of meetings. In addition, if three committee members request a meeting, the speaker may set a meeting.

Under Mason's rules, a committee meets at the time and place officially set for its meetings, but when no regular time or place has been provided, the committee may meet at a time or place chosen by its members. The committee chairperson may, after consultation with and consent of a majority of the committee members, reschedule the meeting from the official time in extraordinary cases. The chairperson has the authority to call the committee together, but if he/she is absent or declines to call a meeting, a meeting may be called by a majority of committee members. If a committee adjourns without providing for future meetings it adjourns subject to the call of the chairperson. Mason's also provides that committees (except conference committees) may not meet during the sessions of the house without the consent of the house.

7. Notice and Agenda of Committee Meetings

HR 1302

SR

ReJ JAN 14 1993 att 2-3

M 627

House rules require notices and agendas of committee meetings to be given to members prior to meetings. Mason's requires that when a special committee meeting is called to transact specified business, notice of the meeting must be given to each member. When a special committee meeting is called for, the business to be transacted at the meeting must be disclosed in the call for the meeting.

8. Duties of the Committee Chairperson

HR 1303

SR 9

M 611

All of these rules list the various duties of committee chairpersons. The House rules and Mason's rules are identical, except the House rules also delegate to the chair the duty to keep minutes of the meetings, the authority to appoint subcommittees and the duty to record and report to the Speaker the absences of members during recorded votes. The Senate rules are less specific than Mason's or the House rules. Unlike Mason's, the Senate rules grant the chair the authority to designate another member to preside over committee meetings in the absence of the chairperson or vice-chairperson. In addition, Senate rules require the chairperson to prepare or direct the preparation of committee minutes.

9. Introduction of Committee Bills and Resolutions

HR 1304

SR 31

M 618

All of these rules allow committees to introduce bills and resolutions. The House rules and Mason's rules are identical in that both allow committees to introduce legislation regarding any matters referred to them. In addition, standing committees are limited to introducing bills within the general subject area assigned to the committee. Mason's provides that where the rules require all bills to be referred to committee, a bill which has been introduced by a committee is not required to be referred to a committee for further consideration. Senate rules do not discuss any limitations on the introduction of bills by committees, the rules simply recognize that committees may introduce legislation.

10. Quorum of a Committee

HR 1305

SR

M 613

Mason's is identical to the House rules in requiring a quorum of a committee to be present for the committee to act officially. Both rules define a quorum as a majority of the committee membership. A quorum of a committee may transact business and a

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majority of the quorum (although a minority of the committee) may adopt a committee report under both rules. Mason's also provides that a committee has the authority to fix a quorum which may be more or less than a majority or may fix the number of members necessary to take any official action. Senate rules have no quorum requirements for committee meetings.

11. Voting in Committees

HR 1306

SR 10

M

Mason's has no provisions analogous to these House and Senate rules. Both rules require that the total vote for each action be recorded in the committee minutes. The Senate rules allow any committee member to demand a division of the vote. The House rules allow the chair to vote in certain circumstances, allow a majority of the committee to vote to take an issue from the table and prohibit an action taken by a committee from being altered except by formal reconsideration.

12. Procedure in General

HR 1307

SR

M 632

Mason's rule and the House rule are identical in providing that the rules of the committee are the same as the rules of the body where they are applicable. Both rules state that committee procedures should be informal and that limitations on debate are prohibited. Mason's differs from the House rules by listing five other rules (in addition to the rule limiting debate) which should not be vigorously enforced in committee meetings. Mason's also prohibits committee members from appealing to the presiding officer of the body any decisions on points of order made by the committee chair.

13. Committee Action on Bills and Resolutions

HR 1308

SR 11(a)

M 636, 663-665

All three rules recognize that the sole authority of committees regarding legislation referred to them is to propose changes to the legislation and to make recommendations to the body regarding the action to be taken on legislation. The rules require recommendations to be made by a committee report to the body. The House rules and Mason's rules also provide that when a bill is referred to a committee with amendments pending, the committee should make recommendations regarding the amendments.

The legislative rules and Mason's differ on the signing of reports: House and Senate rules require the chair or other authorized committee members to sign the committee report while Mason's does not require signatures on the report (however,

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Mason's acknowledges that some legislatures require a majority of the committee members to sign the report). Mason's does not require committee reports to be submitted within a certain amount of time, while the House and Senate rules require the reports to be transferred to the body within two legislative days after the committee action.

14. Motion to Withdraw a Bill or Resolution from a Committee
HR 1309
SR 11(b) & (c)
M 491

Mason's is identical to the House and Senate rules with respect to prohibiting debate on the merits of the bill during the motion and requiring that only one bill or resolution be named in the motion. Mason's requires only a majority vote to pass this motion while House rules require an affirmative vote of 70 members and the Senate rules require an affirmative vote of two-thirds of the Senate to pass the motion. The House and Senate rules have additional requirements that the motion be in writing and include the reason why the motion is necessary, that the motion be printed in the calendar and considered on the next legislative day after the motion is made, and that if the motion prevails, the bill or resolution be placed on General Orders. House rules also have special provisions governing the withdrawal of resolutions adopting or amending the rules of the House. Such a resolution may be withdrawn from the Committee on Rules and Journal by an affirmative vote of 63 House members.

15. Change in Sequence on General Orders
HR 1503
SR 53, 54
M 713

Mason's differs from the House and Senate rules by requiring a majority vote to take up questions out of order; the House rules require either unanimous consent or an affirmative vote of 70 members and the Senate rules require unanimous consent or a vote of 2/3 of the body. Mason's also allows a failed motion to change the sequence on General Orders to be revived after other business has intervened, while House rules prohibit a failed motion from being repeated for five days. The House and Senate rules have additional requirements not discussed in Mason's: The Senate rules limit Senators from speaking longer than five minutes on the motion and House rules require the motion to be in writing and to include reasons supporting the change. Like the House rules, Mason's forbids the motion to be debated or amended. Mason's also explicitly prohibits the motion from being laid on the table, postponed or committed.

16. Motion to Move Adversely Reported Bill or Concurrent Resolution to General Orders
HR 1504, 1505
SR 12
M

ReJ JAN 14 1993 att 2-6

Mason's does not discuss the placement of adversely reported bills on the calendar or the treatment of such motions.

17. Requesting the Floor

HR 1701

SR 14

M 91

Mason's and the Senate rules are identical in requiring members to rise and request recognition from the presiding officer before they may speak on the floor. The House rules require members to press the "present" button to receive recognition.

18. Order During Speaking

HR 1702

SR

M 121

The House rules and Mason's both prohibit members from engaging in private conversations while another member is speaking and from passing between the member and the chair. Senate rules do not address this subject.

19. When Question is Put

HR 1703

SR 20

M 121

The House rules and Mason's prohibit members from speaking or leaving their seats while a vote is being taken. Senate rules state only that members may not vote unless they are seated when the vote is taken.

20. Violation of Rules While Speaking

HR 1704

SR 14, 15

M 90-96, 102-103, 121

All three rules prohibit a member from speaking more than twice on the same subject, unless the member has received permission to do so from the body. The House rules create an exception to this prohibition for members who are carrying the measure. Such members may open and close debate and respond to questions from other members. Mason's does not specifically create such an exception but acknowledges that there are legislatures which recognize the right of a member in charge of a measure to close debate. The House rules also provide that when an order for the previous question or to cease debate has been passed, the member carrying the measure has 20 minutes to close the debate and may divide the time with other members. Mason's acknowledges only that a member in charge of a measure may be given a limited amount of time to close debate when the previous question has been adopted.

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All three rules allow a member to yield the floor temporarily to another member for explanation and questions regarding a measure without losing his/her right to the floor. Mason's and the House rules state however, that when a member yields the floor to another member proposing an amendment, the member loses the right to the floor.

House rules require that members address the House from a microphone located in the House chamber. Mason's requires that members remain standing at their seats, at the bar of the House or at a particular place set aside for speaking while addressing the body. House and Mason's rules are identical in providing that when a member violates the rules of the body, it is the duty of the presiding officer to call the member to order.

21. Motion to go into Committee of the Whole
HR 1901
SR 41
M 685

All three rules provide that the body may go into Committee of the Whole to consider bills and resolutions upon motion.

22. Committee of the Whole; Normal Procedure
HR 1902
SR 43
M 634

The House and Senate rules have nearly identical procedures for considering bills in Committee of the Whole. The procedures involve consideration of standing committee reports and consideration of the bill and amendments section by section. The two rules differ in that House rules do not allow a motion for the Committee to rise and report a bill favorably or favorably as amended until all other motions have been disposed of. House rules also allow debate on the merits of a motion to strike an enacting clause but prohibit the amendment or substitution of such a motion. Senate rules prohibit a bill from being amended while a motion to strike the enacting clause is pending.

Mason's does not prescribe a specific procedure for consideration to be used in the Committee of the Whole. However, the manual describes a general procedure to be used in committees where the chair reads the measure by sections, giving members an opportunity to discuss and amend each section before proceeding to the next. The procedure in Mason's is also similar to the legislative rules in that the vote is taken after the measure has been read completely and is in consideration of the entire document.

23. Motion to Pass Over a Bill or Resolution
While in Committee of the Whole
HR 1903
SR
M

R.S. JAN 14 1933 att 2-8

House rules provide for a motion to pass over a bill or resolution and retain it on the calendar and a motion to pass over a bill and retain it on General Orders while in Committee of the Whole. This motion is in order only after the chair has announced the particular bill as the next order of business and has recognized a member to carry it. The motion is not debatable and requires a majority vote for adoption. Mason's and the Senate rules do not have an analogous rule.

24. Motions to Refer Bills or Resolutions to a Committee
While in Committee of the Whole
HR 1904
SR
M 384

House rules provide for a motion to refer bills or resolutions to a committee while in Committee of the Whole. Such a motion is appropriate only after the particular bill or resolution has been announced as the next order of business and the chairperson has recognized a member to carry the measure. The motion requires a majority vote of the members present for adoption. Mason's has a provision discussing the re-reference of bills to standing committees but contains none of the limitations found in the House rules. The Senate rules do not contain this type of provision.

25. Striking Bills and Resolutions from the Calendar
While in Committee of the Whole
HR 1905
SR
M

Under House rules, a motion to strike a bill or resolution from the Calendar is in order only after the chair has announced the bill or resolution is the next order of business and has recognized a member to carry the measure. The motion requires a majority vote of members present for adoption and is subject to roll call under HR 2507 but not subject to a call of the House under HR 2508. The Senate rules and Mason's rules do not contain a similar provision.

26. Requesting the Floor
HR 1906
SR 141
M 91

House rules require members who wish to address the House while in Committee of the Whole to press their "present" button and receive recognition from the chair of the Committee of the Whole before speaking. The Senate rules and Mason's do not specify different rules for addressing the body while it is in Committee of the Whole. The two rules are identical in requiring members to rise and request recognition from the presiding officer before they may speak on the floor.

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27. Rules Applicable - Committee of the Whole

HR 1907
SR 41
M 687-88

All three rules provide that the rules observed in the body should be observed in the Committee of the Whole. The rules are also identical in stating that while the body is in Committee of the Whole, motions to lay on the table, for call of the house or for the previous question are not in order. The Senate rules and Mason's both provide that during Committee of the Whole, there is generally no limit on the number of times a member may speak. However, Mason's differs from the Senate rules in allowing the body to limit debate if it wishes.

Mason's lists other limitations on the Committee of the Whole: It cannot order a vote by roll call on any matter, entertain any question of priority, postpone the consideration of any question, reconsider a vote on a proposal no longer in its possession, appoint a subcommittee or punish members for disorderly conduct.

28. Rise and Report

HR 1908
SR 46
M 689

The House and Senate rules provide that a motion for the Committee of the Whole to rise and report shall be in order at any stage and is not debatable. Mason's differs from the legislative rules by prohibiting the motion during voting and while a member has the floor. Mason's prohibits amendments, debate and other subsidiary motions and allows the motion to be carried by less than a quorum. Mason's does not address what happens to proposals under consideration when the motion is made. The House rules provide that the bill retains a place on General Orders when the Committee rises without taking final action on it. Senate rules state that matters being considered during the motion shall be the first order of business at the next session of the Committee, unless the Committee postpones it.

29. Effect of Recommendation of Committee of the Whole

HR 1909
SR 45
M 689, 670, 673

The House and Senate rules both provide that reports of the Committee of the Whole are not subject to amendment after they are adopted. House rules also expressly prohibit debate on a report after adoption. Both legislative rules state that when the Committee of the Whole report recommends that the enacting clause of a bill be stricken and the report is agreed to by the body, the bill is considered to be killed. Mason's states only that the recommendations of Committees of the Whole may be considered and treated in the same manner as reports of other

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committees. Mason's general rules regarding committee reports do not address the issues of amendments or debate after adoption or recommendations to strike the enacting clause.

30. Report of Committee of the Whole

HR 1910

SR 48

M 673, 732, 405

The House and Senate rules state that when the Committee of the Whole reports a bill or resolution favorably, and the report is adopted by the body, the bill will be considered as ordered to the order of business Final Action. If the Committee amended the bill, House rules require the bill to be reprinted. The Senate rules prohibit the vote on final passage of the bill from being taken on the same day the bill is placed on Final Action. The Senate rules also authorize the secretary of state to make corrections on bills and resolutions that are to be transmitted to the House.

Mason's addresses only generally the adoption of committee reports and the printing of bills and the discussion does not conflict with the legislative rules. The manual explicitly states that no legislative proposal may be changed in any way except to correct clearly clerical errors.

31. Germaneness

HR 2101

SR 44

M 401, 402

All three rules require amendments of bills to be germane to the subject matter of the bill. The House and Mason's rules have identical tests to determine the germaneness of an amendment. The Senate rule does not set out a test but does state that the fact that an amendment is to a section in the same chapter of Kansas Statutes Annotated as an existing section in the bill does not automatically make the amendment germane.

House rules and Mason's allow any member to request a ruling on the germaneness of any amendment to a bill or resolution. House rules describe a procedure in which the chairperson of the House Committee on Rules and Journal makes the ruling on germaneness, appeals to the ruling may be made, certain members may debate the ruling and the presiding officer submits the question of germaneness to the body for determination. Mason's differs from the House rules by granting the presiding officer the authority to determine if an amendment is out of order. If a House member wishes to appeal the presiding officer's decision, the question of sustaining the decision is submitted to the body.

32. Form of Amendment Motions

HR 2102

SR 44

M 400, 416

RJS JAN 14 1993 att 2-11

All three rules require amendments of bills and resolutions to be in writing. The House and Senate rules require amendments to be made on forms provided by the body and to specify the page and line numbers on the bill that will be affected by the amendment. If an amendment is to be made by substitute bill, the legislative rules require a motion to substitute a written bill for the bill under consideration to be made. Senate rules require all amendments and the action taken on them to be published in the Senate Journal. After the Senate amends a bill or resolution, it must be engrossed before it is enrolled. Mason's does not speak specifically to the form of amendments but does recognize the necessity of amendment by substitute bills.

33. Reading Amendments; General Rule

HR 2103

SR 74

M 722

All three rules generally do not require readings of amendments to bills that have been introduced. The House and Senate rules create an exception to this rule for amendments which materially change the subject matter of the legislation. Mason's acknowledges that a material change in the subject matter of a bill may require the bill to be read in some jurisdictions. Mason's also notes that when a bill has been passed in one house and is materially amended and passed in the other house, it has been held that constitutional requirements requiring three readings do not require the bill to be read three times before concurring in the amendments in the other house. Mason's also states that the rule requiring three readings does not apply after a substitution has been made or to a bill that has been redrafted by a conference committee. Mason's does not require a bill that has been read once or twice to be reread because of a change in the title.

34. Motions to Amend Motions

HR 2104

SR

M 409

House rules prohibit a motion to amend a motion to amend a bill or resolution. Mason's rule is somewhat similar: An amendment may be amended but an amendment to an amendment cannot be amended. The Senate rules do not contain a similar provision.

35. Dividing Motions

HR 2105

SR 27

M 310-316

All three rules allow members to request that a question be divided when it contains several distinct propositions. The Senate rules and Mason's require such a motion to be made in writing, specifying how the question should be divided. The two rules also prohibit a motion to strike out and insert from being

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divided.

36. Substitute Motions

HR 2106

SR 41

M 416

The House rules declare that substitute motions to amend a bill or resolution are not in order. The Senate rules state that while in Committee of the Whole, no more than one substitute motion to amend a bill or resolution is in order at one time. Mason's states only that substitutions are constitutional and does not restrict the timing of such motions.

37. Subject Changes by Other House

HR 2107

SR 75-76

M 731

Mason's provides that a bill may be materially amended and passed by the other body but the subject of the bill must not be changed. The House and Senate rules are more flexible: When the other body materially changes the subject of a bill already passed, upon return of the bill, it must be read as provided for in the introduction of bills and referred to an appropriate committee.

38. Order of Motions

HR 2301

SR 26

M 158, 175-187

All three rules follow the principle that only motions having higher precedence may be received during consideration of a question. The House and Senate rules each contain a list of motions and their order of precedence. The contents of the lists are virtually identical, however they vary slightly in their ranking of the various motions. Mason's categorizes motions into four classes: privileged, incidental, subsidiary and main motions. Each class is discussed thoroughly and lists are given of the priority of motions within each class (see section 187 on pages 134-138). Mason's list includes the motions listed in the House and Senate rules but is far more extensive.

39. Motion of Adjourn

HR 2302

SR 26, 34

M 200-210

Under House rules and Mason's a motion to adjourn is always in order except when another member has the floor, during a vote, or while a vote is being announced. House rules prohibit the motion while the previous question is pending while Mason's allows the motion to be made after a previous question has been ordered but before voting has begun. Mason's also allows the

motion to be made after a roll call has been ordered but before it has begun. Mason's prohibits the motion from being renewed until other business has intervened, although the requirement of intervening business is not strictly enforced.

Senate rules do not specifically discuss the motion to adjourn except for allowing it during final action if no amendments have been proposed. Senate rules list the motion to adjourn as a motion of high priority and declare it to be undebatable. Similarly, Mason's categorizes an unqualified motion to adjourn as an undebatable motion that takes precedence over all other motions except over a call of the house when no quorum is present.

Under Mason's, if the motion to adjourn makes no provision for the time of reconvening (i.e. an unqualified motion for adjournment), it has the effect of dissolving the body. If the motion for adjournment fixes the time for reconvening, it has a lower status and may be debated, amended and subject to other motions.

40. Motion to Reconsider

HR 2303

SR 28

M 450-474

The House and Senate rules require motions to reconsider to be made the day the original vote was taken or the next legislative day. The rules also require that the motion be made by a member who voted on the prevailing side in the original vote. Mason's acknowledges that both of these rules are customary but points out that they are not part of traditional parliamentary law and were invented by legislative bodies.

All three rules generally prohibit a question from being reconsidered more than once. House rules create an exception to this prohibition if the body unanimously consents to reconsidering the measure. Mason's also has an exception to the prohibition if the proposal has been changed to present a substantially different question and the body renews the motion by unanimous consent.

Mason's and House rules both allow debate on the motion to reconsider, however House rules limit the amount of time members may speak. Under Mason's, when a measure requires more than a majority vote for passage, it may still be reconsidered by only a majority vote. The House rules require a motion to reconsider to get the same number of votes required to pass the measure it proposed to be reconsidered.

41. Previous Question

HR 2304

SR 29

M 345-352

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All of the rules phrase the previous question (i.e. motion to vote immediately) as "shall the main question be now put?". Under all three rules, a majority of the members present must vote for the previous question. The Senate rules require at least five senators to make the motion for previous question, while the House rules and Mason's permit the previous question to be called for in the same way as any other motion (i.e. by any member).

House rules provide that if the body votes against the previous question, the matter remains under debate. In addition, if amendments to the main question are pending, House rules require votes to be taken on the amendments in their order without further debate or amendment. The Senate rules differ from the House rules in providing that when amendments are pending, the motion for previous question concerns the last amendment that is pending and if the motion passes, the debate on the last amendment will be closed. Mason's does not address the issue of pending amendments during a previous question.

42. Motions Not Subject to Debate

HR 2305

SR 26

M 82-83

Under House and Senate rules, the following motions are not debatable.

House Rules

adjourn

change order of consideration

call of house

lay on table

postpone (debate precluded

commit on main question)

Senate Rules

fix time to adjourn

adjourn

lay on table

previous question

The House rules also exempt the above motions from amendment. Mason's contains a far more extensive list of motions that are not debatable that includes several of the same motions: motions relating to adjournment, lay on table, previous question and call of the House. Mason's is identical to the House rules in providing that motions to postpone and to commit are debatable only on the propriety of the motion and not on the main question.

43. Motions to Refer Bills to Committee

When Not in Committee of the Whole

HR 2306

SR

M 385

The House rule and Mason's agree that a majority of members present must vote to approve this motion. House rules state that a motion to take a bill from the calendar and refer it to a committee is in order when the body is meeting as the House of Representatives but can be made only by the majority leader or

assistant majority leader. Mason's provides only that a motion to take from the calendar and refer to committee has precedence over the main question. Senate rules do not contain a similar rule.

44. Motion to Strike Bills From Calendar
When Not in Committee of the Whole
HR 2307
SR
M

Under House rules, this motion is in order only when the body is meeting as the House of Representatives and only when made by the majority leader or assistant majority leader. There are no comparable rules in the Senate or in Mason's.

45. Stating Question
HR 2308
SR 24
M 144, 156

The House rules and Mason's both require every motion to be stated by the presiding officer, or if it is in writing, to be read by the clerk before debate and immediately before putting the question to a vote. Senate rules require all amendments of bills and resolutions to be in writing and upon request of any senator, can be read by the clerk before voting. In the Senate, any other motions may be submitted in writing upon request of any senator. Mason's does not require motions to be made in writing unless they are long and complicated. Mason's also grants the presiding officer a great deal of flexibility in stating the question. For example, if the motion appears to be in incorrect form or against the rules, the presiding officer may state the motion in proper form rather than in the language of the proposer but cannot modify the content of the motion without the proposer's consent.

46. Dividing Motion
HR 2309
SR 27
M 310-316

See paragraph 35 above.

47. When Motions Have to be in Writing
HR 2310
SR 24
M 144-7

Mason's differs from the House and Senate rules in that motions are usually presented orally but may be required to be in writing if they are particularly long and involved. House and Senate rules require all motions amending bills or resolutions to be in writing. House rules also require all resolutions to be in writing. If the Speaker of the House wishes any other motion to

be submitted in writing, it must be written unless it is one of those specified in HR 2301 or 2303. In the Senate, any motion may be required to be in writing if any senator requests it. In addition, a written motion must be read by the clerk if any senator requests that it be read.

48. Suspend the Rules

HR 2311

SR 69

M 23, 279-286

Under the House rules and Mason's, rules may be suspended by unanimous consent or by majority vote. However, House rules require a 2/3 vote to suspend the rules, declare an emergency and advance a bill to final action or to suspend the rules, permit amendment and debate of a bill under the order of business final action. Senate rules provide that if a one day notice of a motion to suspend the rules is given, the motion may be adopted by majority vote. However, if prior notice is not given, a 2/3 affirmative vote is required to adopt a motion to suspend the rules. Senate rules also require a 2/3 vote to declare an emergency, suspend the rules and advance a bill to final action. House rules provide that if a greater than majority vote is required to pass a motion, a greater than majority vote will be required to suspend the vote requirement for that motion. House rules also state that when notice of a motion reduces the required majority for adoption of the motion, the required majority will not be reduced if the notice requirement is suspended.

Mason's requires that a motion to suspend the rules specify what rule is to be suspended and the purpose of suspending the rule. The motion is not amendable, debatable, may not be laid on the table or referred to committee or postponed, reconsidered or renewed (unless other business has intervened). Mason's also states that if the body has the power to make or adopt rules having more than normal force, it may make or adopt rules of procedure which require a greater than majority vote to suspend or repeal.

49. Roberts Rules - When Applicable

HR 2312

SR 71

M

The House and Senate rules both state that in the event of a situation where rules of the body or joint rules are inapplicable, Roberts Rules of Order shall apply. Mason's has no analogous provision.

50. Voting by Members

HR 2504

SR 20

M 513, 514, 516

Both House and Senate rules require members to be in their seats while voting. In the House, a member can vote away from his desk if he is in the chamber and the presiding officer authorizes it. Mason's does not have particular rules requiring members to be in a certain place while voting.

The House rules and Mason's allow the presiding officer to vote in the event of a tie. Specifically, Mason's allows the presiding officer to cast a vote when there is a tie vote between two candidates or when there are equal numbers of members for and against a proposition. Both rules also speak to the situation where illegal votes have been cast. Under House rules, one member cannot vote for another member and penalties are provided in the general laws and in the rules if members engage in such conduct. In addition, if a person who is not a member votes for a member, the non-member can be barred from the House floor for the remainder of the session and may be penalized under legislative rules or under the general laws. Mason's states that when illegal votes have been cast, the vote should be declared void if the illegal votes changed the result of the vote. Mason's further provides that in computing a majority vote, illegal and blank votes should not be considered in the computation.

51. Explaining Votes

HR 2505

SR 18

M 528

House rules allow members to give one minute explanations of their vote when a roll call vote is taken on a bill or resolution. Senate rules allow senators to explain their votes for two minutes during the call of their names during final passage of any bill. In the House, if a member furnishes his explanation in writing on the day the vote is taken, it will be printed in the Journal as long as it does not exceed 100 words. In the Senate, a senator's explanation may be printed in the Journal if the senator requests it during voting or before adjournment and the written explanation is given the Secretary of the Senate during or within two hours following the day's adjournment on the same legislative day. A senator's written explanation cannot exceed 200 words.

Mason's acknowledges that some legislatures allow members to explain their votes and have the explanations printed in the journal. Mason's also notes that in some bodies, the presiding officer has a right to explain his vote and have it printed when he/she votes to break a tie.

52. When Roll Call Vote to be Taken

HR 2507

SR 37, 40

M 535

House rules provide that a group of 15 members can demand a

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roll call vote. In the Senate, a roll call vote must be taken on the demand of 21 senators. House rules require a roll call vote for the passage of any bill and specify five concurrent resolutions which must be adopted by roll call vote. Roll call votes are not required under House rules for concurrent resolutions regarding commendations or acknowledgements unless demanded by 15 members. House rules require roll call votes to be taken on resolutions to adopt, amend or revoke any rule of the House, to reject any executive reorganization order, to concur in Senate amendments to any bill or concurrent resolution or to adopt any conference committee report other than a report agreeing to disagree.

Both the Senate rules and Mason's require members to respond yea or nay when their names are called during a roll call vote. Both rules allow members to have their votes recorded as "present but not voting", although Senate rules prohibit this when their is a call of the Senate. Both rules allow members to change their votes after roll call is completed but before the vote is announced. Mason's states that a vote cannot be changed after the roll call has been announced while Senate rules allow members to record or change their votes after a roll call if the Senate unanimously consents.

53. Call of the House/Senate

HR 2508

SR 38, 39

M 190-197

Both House and Senate rules require a call of the House when a motion to strike an enacting clause is before the body. In the House, a call must be ordered upon the demand of 10 members at any stage of voting prior to recording or announcing the vote. In the Senate, a call can be demanded by five senators regarding the final passage of any bill or resolution or a motion to postpone indefinitely before the result is announced. Under Mason's rules, when a quorum is present, a call may be ordered by a majority of members present if any member is absent. When a quorum is not present, the body must either order a call or adjourn.

The House and Senate rules provide that a call cannot be raised until the presiding officer is satisfied that diligent efforts have been made to secure attendance of absentees. Mason's states that a call may be removed when a count of members yields a quorum, when members who were absent and unexcused are present, when the body votes to terminate the call and when the body adopts a motion to adjourn.

All three rules allow members to be excused from a call of the house and provide for disciplinary action against unexcused absent members. Mason's provides that the body has the authority to revoke leaves of absence at any time and to require members to attend the call of the house.

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54. Voice Vote; Division of Assembly
HR 2509
SR 47
M 532-533

Mason's and the House rules both provide that a voice vote should be taken on all questions except those which require a roll call vote. Under all three rules, any member may call for a division of the assembly to determine the vote.

Mason's requires that a demand for division of assembly be made immediately and may be made by a member without first being recognized. Mason's states that a demand for division of assembly cannot be debated or amended and is not subject to subsidiary motions. A demand for division is not in order when all members vote one way. Mason's describes in detail the role of the presiding officer in conducting the division of assembly and grants him/her a substantial amount of authority in determining the accuracy of the vote.

55. Reading and Vote
HR 2702
SR 34
M 733-736

Both House and Senate rules provide that on final action, each bill and resolution must be read by title except for citations of statutes amended or repealed. House rules provide that after the reading, a roll call vote must be taken upon final passage or adoption without amendment and debate. Senate rules state that if a bill is reported for final action without debate, the question of passage should immediately be put to the body. In this situation, no debate is allowed and no motions are in order except a motion to adjourn or call of the Senate. However, if the bill is placed on final action subject to amendment, or subject to amendment and debate or by unanimous consent of the body, amendments may be made. On final action, bills and resolutions may be bulked together for roll call unless a senator objects.

Mason's rules provide for three separate readings of bills. The third reading is probably analogous to a reading upon final action and is when a bill is presented for consideration and passing. Amendments on third reading are not favored but are permitted. After passage, the title may be amended to conform to the body of the bill, but the body is no longer subject to amendment. Motions affecting bills on the third reading are not in order, even under that order of business until the particular bill is reached upon the calendar. A motion requesting a bill to be read for the information of members is not in order after roll call has been ordered.

56. Amendment and Debate
HR 2703
SR 34, 69

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M 279-286

House rules provide that when a motion to suspend the rules and permit amendment and debate of a bill under order of business final action passes or when such action is recommended in the Committee of the Whole report adopted by the House, bills or resolutions may be debated and amended on Final Action before the vote is taken on final passage and adoption. The procedures of the Committee of the Whole apply during such a situation as much as they are applicable and motions to strike the enacting or resolving clause are in order.

Senate rules allow for motions to suspend the rules under any order of business. Therefore the rule prohibiting debate on a bill reported for Final Action can be suspended. However, Senate rules also allow for bills to be reported for Final Action subject to amendment or subject to amendment and debate. If a bill was reported in one of these forms, a motion to suspend the rules would be unnecessary.

Mason's allows for motions to suspend the rules but does not particularly discuss amendment and debate during final action.

57. Adopting, Amending or Revoking Rules of the House

HR 3701

SR 70

M 408

House rules may be adopted, amended or revoked by a House resolution which has been adopted by an affirmative vote of a majority of the members. In the Senate, the rules of the body cannot be amended or revoked without an affirmative vote of 2/3 of the senators and such a motion will not be in order unless the Senate consents to it unanimously and one day's notice is given in open session. The notice requirement is not mandatory if a resolution adopting, amending or revoking the rules is adopted with the commencement of the legislative session and voted for by a majority of senators, provided that: (1) The resolution is sponsored by the president and (2) a copy of the resolution is mailed to each senator at least 5 days before the session begins or (3) the resolution is made available on the first day of the legislative session and final action is taken on the second legislative day.

Mason's notes that to amend rules often requires notice and a 2/3 vote of the body. Unless the rules require a higher vote, a majority vote is all that is required to amend rules.

58. Substitute Bills

HR 3904

SR 72

M 416, 617

The House and Senate rules are identical. Both state that whenever a substitute bill is recommended by committee report or

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approved by amendment on the floor the substitute bill must be printed as provided for bills introduced. Both rules use a similar format in designating bill numbers.

Mason's rules allow for substitute bills but prescribe no particular printed form.

59. Committee of the Whole Amendments

HR 3906

SR

M 732

House rules provide that when a bill or concurrent resolution is amended by Committee of the Whole, it must be reprinted showing the amendments. The Senate does not have an analogous rules and neither does Mason's, although Mason's discusses the requirement in most constitutions that bills be reprinted when amended.

60. Entering in Journal

HR 4102

SR

M

House rules require that when a bill, order, motion or resolution is entered in the Journal, the names of the members or committee introducing or moving the same must be entered in the Journal. The Senate has no equivalent requirement. Mason's doesn't explicitly require this information to be in the Journal but discusses other information that may be included.

61. Special Order

HR 4302

SR 6

M 263-268

Under House rules, any matter may be made a special order. All requests and motions for special orders must be referred to the Committee on Rules and Journal, which may designate particular times and dates for the special orders and report to the House for approval. If the report is adopted by 2/3 of the members, the special orders will stand for the time stated, although no special order can be made more than seven days in advance. This rule does not apply to executive reorganization orders and related resolutions.

In the Senate, if a special order is not reached on the day it is scheduled, it will be returned to its place on general orders unless it is made a special order for another day. A special order under consideration takes precedence over any other special order scheduled for a subsequent hour of the day, but the subsequent special order shall be taken up after the previous order is disposed of. A notation of special order shall be placed before the first order of business on the Senate calendar for the day and shall give the subject matter and time fixed for

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consideration. When the fixed time arrives, other business must be suspended until the special order is considered.

Mason's also provides that when a special order has been set for a particular time, it has no special privilege until the time set for its consideration. A motion to set a special order may be amended as to the time set. The motion is debatable with regard to the setting of the order and not regarding the main question. A pending question can be made a special order for a future time by postponing it and making it a special order for a specified time. A member can make a motion and request that the motion be set as a special order for a particular time. Such a motion shall be printed in the journal with the record of the special order and shall be carried on the calendar as a special order. If several orders are set for the same time and were made at the same time, they take precedence in the order they were arranged in the motion. A special order may be postponed by majority vote when up for consideration. A special order may be cancelled or changed by majority vote before it comes up for consideration, as long as not prohibited by the rules. If a special order is not taken up at the hour scheduled, it does not lose its privileged status and can be brought up at a later hour. However, if a special order is not considered on the day it was scheduled, it loses its position.

62. Open Meetings

HR 4305

SR 23

M 630, 691

House rules state that the Kansas open meetings law apply to meetings of the House and all of its standing, select and special committees and subcommittees. Senate rules do not address the subject of open meetings, except to state that majority and minority caucuses are closed and that visitors are allowed in the galleries of the Senate but are prohibited from making phone calls from the gallery.

Mason's acknowledges that most states have provisions in their constitutions, statutes or rules which require committee meetings, meetings of the Committee of the Whole and meetings of the House while in session to be open to the public, unless secrecy is required.

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The Thoroughly Modern *Mason's Manual*

The latest edition of the legislator's bible on procedures reflects today's pressures and practices.

Larry G.J. Shapiro and Edwin J. Maley Jr.

What can a legislator do if he makes a motion at a committee meeting and no one seconds it? Turn to section 62 of the 1989 edition of *Mason's Manual of Legislative Procedure* and find that seconds to motions are not required. Unlike a member of a private association, a legislator represents a constituency and is entitled to present a matter for consideration of the body without having the support of another legislator.

Since 1935, lawmakers have been turning to *Mason's* to solve procedural problems not addressed by their legislature's rules. Today *Mason's* is used in 63 of the 99 state legislative chambers.

Paul Mason, a parliamentarian and attorney who worked with the California Legislature, compiled the first edition of the manual in 1935, drawing on other procedure manuals and court decisions that affect the rules. He revised his book six times, the last time in 1979.

Mason died in 1985, after turning over the copyright to *Mason's Manual* to the National Conference of State Legislatures. A commission composed of 16 members of the American Society of Legislative Clerks and Secretaries from 14 states continue his work. Starting in the mid-'80s they took a fresh look at the manual and published a new edition in 1989.

How does the 1989 *Mason's* differ from the 1979 edition? Many of the changes reflect the challenges that legislatures have faced in recent years—an increasing workload, the shifting of responsibility for many federal programs to the states, the decline of party control and pressure for open government. Just as the unique nature of legislatures shaped the rule on seconds to motions, so

have the recent forces affecting state legislatures shaped changes in procedure.

For State Legislatures Only

Mason's early editions included rules for both state and local legislative bodies. In 1953, he added administrative bodies and private associations. This has often been confusing because the various bodies have different functions and frequently different rules.

Mason's is now clearly for the use of state legislatures only. The new edition deleted almost all provisions applicable to administrative and local legislative bodies and private associations. Several provisions were retained but adapted for legislatures. For example, a rule that "a vacancy on a city council when a member moves out of the city does not exist until ascertained and declared by the council" now applies instead to a legislator moving out of his district.

Further changes incorporated in the 1989 edition document the evolving relationship between the legislature and the executive branch of state government. Provisions are added that describe legislative authority to delegate rule-making power to administrative agencies, to review agency regulations and to oversee the operations of the executive branch. Moreover, the new manual recognizes that many legislatures have become more independent of the governor. The 1979 edition contained language that an interim committee could be created by statute, which would require the governor's signature, but not by concurrent resolution, which generally would not. The new edition provides that interim committees may be created by either method. Similarly, the 1979 edition referred to the governor's "exclusive authority" to call special sessions of the legislature; the new edition indicates that some constitutions or statutes in-

clude provisions for legislatures to call themselves into session.

Role of Legislative Committees

In many states, legislative committees are used to handle the legislatures' expanded responsibilities and increased workload. The 1989 edition adds language clarifying the authority of committees to conduct public hearings, gather information and work on proposed legislation during the interim between sessions. It adds new provisions on the role of committees in overseeing the executive branch and reviewing regulations. The increasing importance of committees is shown in a new provision that "some states consider days on which committees meet as legislative days, as well as those days when both houses are in session." (*Mason's* does not define the term *legislative day*, but cites cases indicating that the term is used when counting days for scheduling purposes.) And a change in the prohibition on a committee meeting while a house is in session is symbolic of the independence of committees. The old rule required a committee to end its meeting when notified by the sergeant-at-arms; the new rule leaves it to the committee to terminate the meeting when a session is starting.

Although legislative committees have generally grown more powerful and independent, leadership's primary means of reining them in—the appointment process—is strengthened. The 1989 edition provides that it is the usual practice for the appointing authority to designate the vice-chair. And a new provision is added on the removal of members: "It is a general rule of parliamentary procedure that the appointing authority has the right to remove a chair or a committee member."

Streamlining the Process

The 1989 edition of *Mason's* makes many changes to promote efficiency and help legislatures cope with a larger workload. In some cases, the legislative process can be speeded up, as in a new provision indicating that in some states

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a member may be interrupted by a motion to move the previous question. In other cases, the process is streamlined. For example, the procedure for friendly amendments is simplified by deleting a paragraph that allowed first the mover of the main motion to accept the amendment and then the body, if there was an objection. Now, under *Mason's*, there is only one step: It is up to the body to decide.

An important change imposes limits on the procedure concerning disagreements between the houses that may lead to a conference committee, a topic addressed for the first time in the 1989 edition. These new provisions indicate that if both houses have approved different versions of a bill they can amend only the amendments of the other house and not portions of the bill already agreed to by both houses; and they allow each chamber to amend the other's amendment only once before the house has to either concur, refuse to concur or request a conference.

To avoid confusion in a faster-paced legislative process, the 1989 edition makes several procedures more formal. For example, amendments to bills "must be" instead of "usually are" submitted in writing; this provision applies for the first time to amendments to resolutions.

Role of Presiding Officer

The 1989 edition strengthens the position of the presiding officer. This may reflect an effort to counter diminishing party control of the proceedings and the growing independence of individual legislators. For example, the new edition deletes a provision that the question of germaneness of an amendment is to be decided by the body and not by the presiding officer. The general rule—that all questions of order are decided by the presiding officer, subject to appeal by any member—would apply in such cases. Several changes give the presiding officer additional discretion. For example, a provision suggesting that the presiding officer *should* put to a vote the question of whether a member called to order during a debate should be allowed to proceed was changed to suggest that the presiding officer *may*

put such a question to a vote.

A portion of the presiding officer's increased authority in the new *Mason's* comes at the expense of the individual members of the body. Thus, a provision is deleted that provided that when there is a question between two members as to which is entitled to the floor, one member may relinquish the claim in favor of the other member. The presiding officer will now make that decision. This is part of an overall trend in the

*Since 1935, lawmakers have been
turning to Mason's to solve
procedural problems not addressed
by their legislature's rules.*

new edition that reduces the ability of individual members to control the proceedings. For example, the 1979 edition provided that it is the duty of a committee to meet on the call of any two of its members. The 1989 edition provides that a committee meeting may be held on the call of the majority of its members.

The legislative process has become more accessible to the public in recent years, in response to public pressure for open government. The new edition reflects this trend with several procedural changes. For example, the 1979 edition prohibited bills and other measures sent to the clerk's desk from being examined, even by the members, until they were formally presented to the body under the appropriate order of business. The 1989 edition changed the prohibition on examination to a prohibition on removal of the documents at any time.

Technological change has had only a small effect on legislative procedure in the new *Mason's*. The only significant change is in the provision prohibiting a member from reading aloud, or having the clerk read aloud, from any paper or book, without the permission of the body. This prohibition was extended to electronic recordings. This will likely

change in future editions of the manual as more legislatures put computers on members' desks in the chambers.

The 1989 edition contains other changes made for a variety of reasons:

- A legislature's customs now take precedence over adopted parliamentary authority, e.g., *Mason's Manual*. This is an important change because under the 1979 edition *Mason's* would be applied to a procedural question before a customary practice.

- The duty of the chief legislative officer (formerly called the chief clerk) to supervise house clerical work and employees is no longer subject to the direction of the presiding officer.

- The new edition resolves a conflict about what constitutes a quorum of a joint session. The new rule is that only a majority of the membership of both houses is needed, even if there is less than a majority of one house present.

- It deletes a provision to nullify a vote if the presiding officer hurriedly announces the vote

while a member is rising to address the chair. Another section of *Mason's* prohibits the presiding officer from preventing debate by putting questions to vote prematurely, but there is no other provision for a sanction.

- Sections on privilege of members from arrest were substantially revised in accordance with judicial developments.

There are two revisions in the 1989 *Mason's* that may cause confusion and that should be revisited in the next edition:

- A section that previously stated that a member, when recognized, is entitled to the floor, now also provides "but [that member] may not yield the floor to any other member." However, a different section allows a member to yield to another in certain situations.

- A section was amended to provide that after a question has been put and voting has commenced, it is too late to claim the floor for debate. However, two other provisions of the manual continue to allow debate during a vote.

Overall, however, the commission that prepared the 1989 edition of *Mason's* did an excellent job of updating the manual, eliminating redundant provisions and rephrasing confusing language. The result is a manual that better serves state legislators.

Commission Continues Mason's Work

Paul Mason worked diligently for more than 40 years to keep legislators up to date on parliamentary law. Now a seasoned commission has taken up where he left off.

Karen Fisher

Until 1985, when a committee of legislative clerks and secretaries began revising *Mason's Manual of Legislative Procedures*, this indispensable reference was the work of one man, devoted parliamentarian Paul Mason.

Mason took to rules early. Asked which important books he remembered from his childhood home, he responded immediately, "*Robert's Rules of Order*... and then there were some scientific books."

As a graduate student in political science at Stanford in the early 1920s, Mason built on his interest. He wrote his master's thesis on procedure in the California Legislature, and he went to work there as a clerk as soon as he finished his degree. He was admitted to the California bar in 1923.

During his 10 years in the Legislature, Mason was assistant legislative counsel and then assistant secretary of the Senate, working with longtime secretary Joe Beek. "Joe really was not a parliamentarian," says former Senate secretary James Driscoll. "A lot of clerkships are political in nature and administrative in function, but someplace along the line you need a parliamentarian, and Paul was there for that." He never was officially named parliamentarian, however.

Among his many other endeavors, Mason later served as legislative secretary to Governor Goodwin Knight and parliamentarian for Lieutenant Governor

Bob Finch.

Enthralled with the law as well as with procedure, in 1931 Mason compiled the *Annotated Edition of the State Constitu-*



tion of California—a two-volume, 2,400-page work—and updated it three times in the next 22 years.

Mason first published his *Manual of Legislative Procedure* for the California Legislature in 1935. At the request of the American Legislators Association, he made it available to lawmakers in other states as a ready source of the rules of

parliamentary law. As the manual was adopted in more and more states, Mason revised it six times from 1937 to 1979. Today, all state legislatures use *Mason's Manual*, and in 63 of the 99 state chambers it is the primary parliamentary authority.

"Mason was a very scholarly person," says Darryl White, a former secretary of the California Senate. "*Mason's Manual* took an awful lot of work, going through all those court cases. He liked to do that kind of painstaking research."

Unlike guides such as *Robert's Rules*, Mason's procedures are based on his belief that parliamentary law is in fact law. He believed that the courts have the final say about what the law is and that all actions taken in making a decision must comply with the law or run the risk of being upset by anyone who contests them.

In the foreword to the 1979 edition he wrote, "This volume evolved from an exhaustive study of judicial decisions and legislative precedents and practice, guided by knowledge gained from many years of experience with legislative procedure and from specialization in constitutional law. A proper application of these rules of procedure will eliminate controversy, confusion and litigation and will make public bodies more efficient in their work and more pleasant to work in."

Although some parliamentary authorities are very detailed, Mason believed in simplicity. To

help lawmakers apply the rules more easily, Mason laid out 10 principles that govern procedure in group decision making. "Thought of in terms of principles instead of rigid, detailed technical rules, parliamentary law is essentially logical and simple," Mason wrote.

Between the completion of his last revision of the *Mason's Manual* in 1979 and his death in 1985, Mason turned over the

Karen Fisher is an assistant editor of *State Legislatures*.

States' Rules and Procedures Go On-Line

LEGISNET, NCSL's computerized legislative information system, now has a tool parliamentarians can use in conjunction with authorities like *Mason's Manual*. The rules and procedures (RAP) database on LEGISNET contains the complete text of the rules and procedures of all the state legislative chambers.

Development of the database was a year-long collaborative effort of the NCSL Legislative Management and Legislative Information Services departments and was partially funded by the NCSL Foundation for State Legislatures. Clerks and secretaries in the states played a vital role by providing NCSL with the rules from their states. Though compiling the database took the hard work of many people, it already seems worth the trouble.

State legislators and legislative staff benefit from the easy access the database provides to other states' legislative rules and procedures. For example, the Florida House of Representatives made use of the RAP database when a parliamentary question arose on the floor

about how the term "reading" should be defined. John Phelps, clerk of the Florida House, during a break in proceedings, dialed into the RAP database to see how other states' rules defined the term.

Phelps notes that while Florida doesn't rely on the rules of other states as a definitive authority for questions that arise, others' rules provide a context for understanding how terms are used. He also says that the RAP database is particularly helpful for those writing new rules. "Every rule exists as a solution to a problem. Looking at other states' rules provides an array of options for solving that problem," Phelps says.

NCSL staff use the database extensively to address questions such as the number of states that have limits on bill introductions or the particulars of legislative ethics rules.

Altogether, the RAP database contains more than 10,500 rules. State legislatures vary widely in the number of rules promulgated, from a low of 55 in Alaska to a high of 521 rules in Texas. Legislative rules and procedures also vary in specificity. For example, one

Iowa House rule states, "The use of nondegradable polystyrene cups shall not be permitted on the floor of the house, at the speaker's station, or in the press boxes." In contrast, an Alaska rule says, in part, "The presiding officer of each house has the duties set forth in section 575, *Mason's Manual of Legislative Procedure*, 1979 edition, when not inconsistent with these Uniform Rules."

Currently, the database is available only to legislatures and some members of the NCSL Foundation for State Legislatures. Although searches can be conducted quickly and easily, users should give themselves time to read through the user's manual and become acquainted with how the rules are organized in the database and the special language required for searching. For more information about the RAP database, call Brenda Erickson or Pam Greenberg. For technical assistance, information on equipment required to access LEGISNET, or user names, call Steve Graff. They can be reached in NCSL's Denver office at (303) 830-2200.

—Pam Greenberg, NCSL

copyright to NCSL. "[My father] thought that for the public good an organization that was interested in the legislative process should take over the book. He felt strongly that this was the best way to maximize future use of the manual and the research that it represents," says the author's son, also named Paul Mason.

NCSL began work immediately to keep the book alive and up to date. The job was delegated to the American Society of Legislative Clerks and Secretaries. In April 1985, the society's president at the time, Betty King, secretary of the Texas Senate, appointed to the *Mason's Manual* Revision Commission members representing large and small legislatures from different regions of the country and with different approaches to the legislative process. Together the 16 members had 362 years of combined experience in their jobs.

Chair of the ongoing group is Patrick Flahaven, secretary of the Minnesota Senate for 19 years, and the vice chair is Gregory Gray, assistant clerk and parlia-

mentarian of the West Virginia House of Delegates. The others who worked on the revision are Joe Brown, Florida; Edward Burdick, Minnesota; Grace Collins, North Carolina; Mark Corrigan, Pennsylvania; William Kandler, Michigan; Betty King, Mouryne Landing, Nevada; Clyde McCullough Jr., Tennessee; Patrick O'Donnell, Nebraska; John Phelps, Florida; Robert Picher, Vermont; Jane Richards, Arizona; Donald Schneider, Wisconsin; and Kenneth Wright, Illinois.

Thinking the revision would take a year or less, the commission began going through the book section by section and soon realized that significant changes were needed to bring the manual in line with current practices. Subcommittees took on chapters, and individuals pored over sections. Then the whole commission voted on the changes that were recommended.

The members modernized the book's language and determined which practices were used widely enough to retain,

keeping in mind that it would be disruptive to suddenly shift more than 40 years of tradition. The appeal of tradition is illustrated by the fact that the primary parliamentary authority used by Congress and the source used as a backup by many states is *Jefferson's Manual*, originally written by Thomas Jefferson.

After voting that *Mason's* should continue to be a scholarly work based on legal precedents, the commission conducted an exhaustive search for cases that might apply to legislative procedures and updated those *Mason* had cited. West Publishing Co. and Mead Data Central donated time on their electronic systems for the searches.

A big part of the job was clearing up confusing and inconsistent passages. "Many paragraphs were contradictory," says Bob Picher, clerk of the Vermont House. "One section might [say] what you can discuss in debate. Then another section might imply that you couldn't bring that up."

Although *Mason* had begun to in-

clude procedures for municipal government and other administrative bodies, the commission eliminated those references so that the manual applies only to state legislative bodies.

Most debate focused on substantive issues, but chief clerks Jane Richards and Mouryne Landing fought hard for correct grammar and style, too. "My nickname was the 'comma queen,'" Richards laughs. "A sentence is subject to misinterpretation if commas aren't correctly placed. We took a lot of teasing, but I thought [commas and sentence structure and spelling] were extremely important."

The commission took on the tricky—and sometimes impossible—task of making the manual "gender neutral" without weighing down the text with cumbersome "he/she, his/her" constructions.

After three and a half years of meeting five or six times a year, arguing and working hard, the commission completed the revision, which was published in 1989. Although some members of the group have changed—but not many—the commission still meets regularly.

Currently, they are reviewing for accuracy references to other parliamentary authorities. And, says commission chair Pat Flahaven, "we're looking for ways to bring the book up to date and make it more useful as legislatures evolve and adopt new ways of doing things." Suggestions are welcome, he says.

Flahaven says that *Mason's* is "the most appropriate legislative manual in existence for a state legislature because it is compiled specifically for legislative practice." Procedure is basic to the operation of the legislature, he says, because "it is used to guide full and fair consideration of any issue that's being debated and acted into law."

The revision commission achieved a great deal, Flahaven says, working through differences to come up with procedures applicable to all jurisdictions. "The people who hold these jobs are fairly strong individuals with strongly held beliefs about how procedure ought to be conducted," Flahaven says. "That they were able to agree on a manual that they could all endorse and use is perhaps their greatest accomplishment."

"I'm proud of the commission," says Bob Picher, clerk of the Vermont House for 29 years. "Because these people had the time, the energy and the desire, we did come out with a good product. We did one helluva good job."

THANK-YOU

Response to TECHNOS Quarterly has been overwhelming.

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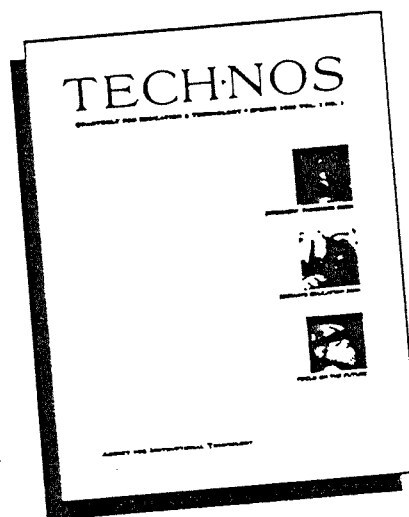
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THE ADVANTAGES OF MASON'S MANUAL FOR LEGISLATIVE BODIES

Presentation by Speaker John Martin

The Ninth Pre-Legislative Conference
St. Thomas, Virgin Islands
December 14, 1990

I. Mason's Manual is an authority recognized by many state legislatures.

- a. Sixty-four (64) legislative chambers use Mason's Manual as their parliamentary authority. Only 13 use Robert's Rules.
- b. The trend is to move to Mason's Manual. Within the last year, both the North Carolina House and the Florida House **have adopted Mason's** as their parliamentary authority.
- c. Because so many chambers use Mason's, there is a wealth of assistance available in interpreting the manual.
- d. Also, the Mason's Manual Revision Commission continues to gather information from the states on current rulings and interpretations and will share this information with anyone having questions.

II. Mason's Manual is not a standard parliamentary manual. It was compiled to meet the particular needs of legislative bodies; in fact, it is the only parliamentary manual designed specifically for state legislatures.

- a. Robert's Rules were designed for civic groups and private organizations and to deal with bylaws, motions, and resolutions.
 1. There is a difference between public bodies and private organizations. In a public body, the powers do not reside in the members themselves. State legislatures exercise the powers which are delegated to them by the people. The organization and powers of a public body cannot be changed by its members; any change must be made by the authority which created it.
 2. The powers of voluntary associations arise from the agreement of the members. They are governed by contract. Also, the members of a private association speak for themselves. They represent no one. They are controlled by no outside power.
- b. Mason's was compiled by people who work in or with legislatures, and it is designed to deal with bills and other issues and problems that arise within the legislative environment.

1. For example, Robert's Rules require motions to be seconded, but Mason's does not. According to Mason's, the effect of requiring a second to a motion is to require that no business can be presented except by two people, one who makes the motion and the one who seconds it. A member representing a constituency in a state legislature is entitled to present a matter for consideration of the body without having the support of a second, unless by law or by rule a second is required.

2. Mason's also discusses the concept of the election of officers, what constitutes a meeting, and how to waive the rules; and it relies more on the use of a simple majority, making it easier to conduct business.

3. In addition, Mason's contains sections on dealing with other branches of government, something not addressed in Robert's.

III. Mason's Manual has evolved from an exhaustive study of judicial decisions and legislative precedents, and it recently has been updated to keep the references current. It is the latest manual for up-to-date citations of case law and sources of authority.

IV. Mason's Manual is arranged to facilitate the citation of authority, thereby giving more authority to the decisions it backs. It is extensively referenced and indexed.

a. Other authors (such as Cushings, Hughes, Jefferson, Reed, Robert, and Sturgis) are cited where references to their works will verify, explain or throw further light on the question.

b. Legislative precedents are cited.

c. State constitutions and statutes are cited.

d. Judicial decisions are cited. Mason's includes an entire table of cases cited.

e. Mason's anticipates and comments on case law citations, which is important and becoming more so as the courts are called upon to review legislative procedures/processes with greater frequency.

f. Robert's Rules do not contemplate case law or statutory law.

V. Because Mason's was designed for state legislatures, it addresses problems and concepts in the context that most legislators are likely to deal with them and therefore it is easier for legislators to understand and to use.

a. Greater understanding leads to the proper application of the rules of procedure, which eliminates controversy, confusion and litigation.

b. Greater understanding will also make public bodies more efficient in their work and more pleasant to work in.

VI. Mason's manual not only outlines what to do in certain instances, but also tries to help you understand the theory behind why you do it that way.

- a. If legislators understand why something is done in a particular instance, they are better able to translate that knowledge to another similar but unrelated situation.

**Joint Rules
of the
Senate and
House of Representatives**



**State of Kansas
1991-1992**

RW JAN 14 1993 att 32

II

JOINT RULES
OF THE
SENATE AND HOUSE OF REPRESENTATIVES
1991-1992

(1) Joint rule 1. *Application and date of expiration; adoption, amendment, suspension and revocation of joint rules.*—Joint rules are adopted under the authority of section 8 of article 2 of the Constitution of the State of Kansas and shall govern matters made subject thereto except when otherwise specifically provided by joint rule. Joint rules shall expire at the conclusion of the terms of representatives. Joint rules shall be adopted, amended, suspended and revoked by concurrent resolution of the two houses of the legislature. Concurrent resolutions adopting joint rules shall receive the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house. After one day's previous notice, joint rules may be amended, suspended or revoked by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house. Upon the filing of such notice in either house, a message shall be sent to the other house advising of the filing of such notice and the reading of the message shall constitute notice to the members of such house. If such previous notice is not given, the affirmative vote of 2/3 of the members then elected (or appointed) and qualified in each house shall be required for the amendment, suspension or revocation of a joint rule.

Notwithstanding any provision of this rule to the contrary, no notice shall be required for the adoption of a concurrent resolution amending, suspending or revoking any one or more joint rules at the commencement of a legislative session, and adoption of any such concurrent resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house, subject to the following conditions: (1) The concurrent resolution is sponsored by the speaker or the president, and (2) either (a) a copy thereof is mailed to each member of the leg-

R-1 JAN 14 1993 att 3-3

islature by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of mailing, copies of the concurrent resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

Joint rule 2. *Joint sessions.*—A joint session of the senate and house of representatives may be called by concurrent resolution adopted by the affirmative vote of not less than a majority of the members elected (or appointed) and qualified in each house of the legislature or as may otherwise be prescribed by law. Any such resolution shall fix the time and place of the joint session, and the subject matter to be considered at the joint session. Joint sessions shall consider only such matters as are prescribed by law or by the concurrent resolution calling such joint session. The speaker of the house of representatives shall preside at all joint sessions of the senate and house of representatives, and the clerk of the house of representatives shall keep a record of the proceedings thereof and shall enter the record of each such session in the journal of the house of representatives. The rules of the house of representatives and the joint rules of the two houses, insofar as the same may be applicable shall be the rules for joint sessions of the two houses. All votes in a joint session shall be taken by yeas and nays, and in taking the same it shall be the duty of the secretary of the senate first to call the names of the members of the senate, and after which the clerk of the house of representatives shall in like manner call the names of the members of the house. Each member of the senate and the house of representatives present shall be required to vote on all matters considered in joint session, unless excused by a vote of a majority of the members of both houses present.

Joint rule 3. *Action by house of origin of bill or concurrent resolution amended by other house; conference committees.*—(a) When a bill or concurrent resolution is

RW JAN 14 1993 att 3-34

|| returned to the house of origin with amendments by the other house, the house of origin may: (1) Concur in such amendments; (2) refuse to concur in such amendments; or (3) refuse to concur in such amendments and request a conference on the bill or concurrent resolution.

(b) The house of origin of any bill or concurrent resolution may concur in any amendments made therein by the other house, except that if the bill or concurrent resolution has been referred to a conference committee such action may only be taken prior to the taking of final action upon the conference committee report upon such bill or concurrent resolution by the other house. A vote in the house of origin of any bill or concurrent resolution on a motion to concur in amendments to such bill or concurrent resolution by the other house shall be considered action on the final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has been appointed and action has not been taken upon the report of such committee by the other house and such motion fails, the bill or concurrent resolution shall not be deemed to have been killed thereby, but if the motion to concur is upon amendments to a bill or concurrent resolution for which a conference committee has not been appointed and such motion fails, the bill or concurrent resolution shall be deemed to be killed.

(c) A vote in the house of origin of any bill or concurrent resolution on a motion to nonconcur or to refuse to concur in amendments to such bill or concurrent resolution by the other house which is not coupled with a request for the appointment of a conference committee shall be considered action on final passage of the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal, and the bill or concurrent resolution shall be deemed killed on the adoption thereof.

(d) When a bill or concurrent resolution is returned by either house to the house of origin with amendments,

R+J JAN 14 1933 att 3-25

and the house of origin refuses to concur or to nonconcur therein, a conference may be requested by a majority vote of the members present and voting. Such request shall be transmitted to the other house by message which shall include the names of the conferees on the part of the requesting house. Upon receipt of any such message, the receiving house may, in like manner, approve such conference, and shall thereupon notify the requesting house by message stating the names of its conferees.

Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the speaker of the house of representatives. The president or the speaker may replace any conferee previously appointed by such person. Not less than one member appointed from each house shall be a member of the minority political party of such house except when such representation for such house is waived by the minority leader of such house. In all cases, the first-named member of the house of origin of the bill or resolution assigned to the committee shall be chairperson of the conference committee. The house of origin of a substitute bill shall be the house in which the bill in its original form was introduced. Each conference committee shall meet on the call of its chairperson. All meetings of conference committees shall be open to the public and no meeting shall be adjourned to another time or place in order to subvert such policy.

Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. A conference committee report shall not

REV JAN 14 1993 at 3-36

be subject to amendment. The original signed conference committee report shall be submitted to and acted upon first by the house other than the house of origin of the bill or concurrent resolution. Copies of each report shall be made available to all members of the house considering the same not later than the time of consideration of the report, except when such report is that members of the committee are unable to reach agreement or is a recommendation to accede to or to recede from all of the amendments of the second house. The affirmative vote of 2/3 of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

All initial conference committee reports other than an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by all of the conferees. All other conference committee reports shall be signed by a majority of the conferees appointed in each house.

The vote to adopt the report of a conference committee, other than a report of failure to agree coupled with a recommendation for appointment of a new conference committee, shall be considered final action on the bill or concurrent resolution and the affirmative and negative votes thereon shall be entered in the journal. If the motion fails, the bill or concurrent resolution shall be deemed to be killed.

If a conference committee upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon the bill or concurrent resolution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new

All initial conference committee reports which are an agreement to disagree coupled with a request that a new conference committee be appointed shall be signed by a majority of the conferees appointed in each house.

RW JAN 14 1983 att 3-38

conference committee fails, the bill or concurrent resolution shall be deemed to be killed.

Bills or concurrent resolutions under consideration by a conference committee, or a report of which has been filed but no action taken thereon in either house, at the time of adjournment of a regular session of the legislature held in an odd-numbered year shall remain alive during the interim and may be considered by the committee and legislature as the case may be at the regular session held in the following even-numbered year.

Joint rule 4. *Deadlines for introduction and consideration of bills.*—The senate and house of representatives shall observe the following schedule of deadlines in making requests for drafting and in the introduction and consideration of bills.

(a) Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on ~~January 28, 1991, the 15th calendar day in the 1991 regular session and on January 27, 1992, the 15th calendar day in the 1992 regular session.~~

January 22, 1993, the 12th calendar day in the 1993 regular session and on January 21, 1994, the 12th calendar day in the 1994 regular session

(b) Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on ~~February 13, 1991, the 31st calendar day in the 1991 regular session and on February 12, 1992, the 31st calendar day in the 1992 regular session.~~ Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

February 5, 1993, the 26th calendar day in the 1993 regular session and on February 4, 1994, the 26th calendar day in the 1994 regular session

(c) Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on

REV JAN 14 1993 att 338

calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 25, 1991, the 43rd calendar day in the 1991 regular session and on February 24, 1992, the 43rd calendar day in the 1992 regular session.

(d) Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 27, 1991, the 45th calendar day in the 1991 regular session and on February 26, 1992, the 45th calendar day in the 1992 regular session.

(e) No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on March 13, 1991, the 50th calendar day in the 1991 regular session and on March 11, 1992, the 50th calendar day in the 1992 regular session.

(f) No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by the house, not the house of origin of such bill, after the hour of adjournment on April 6, 1991, the 83rd calendar day in the 1991 regular session and on April 4, 1992, the 83rd calendar day in the 1992 regular session.

(g) Specific exceptions to the limitations prescribed in subsections (d), (e), (f) and (k) may be made in either

February 15, 1993, the 36th calendar day in the 1993 regular session and on February 14, 1994, the 36th calendar day in the 1994 regular session

February 17, 1993, the 38th calendar day in the 1993 regular session and on February 16, 1994, the 38th calendar day in the 1994 regular session

March 3, 1993, the 52nd calendar day in the 1993 regular session and on March 2, 1994, the 52nd calendar day in the 1994 regular session

March 27, 1993, the 76th calendar day in the 1993 regular session and on March 26, 1994, the 76th calendar day in the 1994 regular session

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JAN 14 1993
att 3-89

house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

(h) In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.

(i) Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over and considered at the next succeeding regular session held in an even-numbered year.

(j) In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified of each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.

(k) Notwithstanding any other provision of this joint rule, all appropriation bills, other than the omnibus bill, shall be finally acted upon and the report of any conference upon amendments to any such bill which is finally passed in any regular session shall be adopted by both houses prior to the hour of adjournment on ~~April 12, 1991, the 89th calendar day in the 1991 regular session and on April 10, 1992, the 89th calendar day in the 1992 regular session.~~

and the omnibus reconciliation spending limit bill

April 7, 1993, the 87th calendar day of the 1993 regular session and on April 6, 1994, the 87th calendar day in the 1994 regular session

R-5 JAN 14 1993 at 3-40

Deadlines Comparison

| | <u>Old 1993</u> | <u>New 1993 (HCR 5003)</u> |
|--------------|--------------------------|----------------------------|
| Ind. Req. | Jan. 25 (Mon.) 15th Cal. | Jan. 22 (Fri.) 12th |
| Ind. Intro. | Feb. 10 (Wed.) 31st | Feb. 5 (Fri.) 26th |
| Com. Req. | Feb. 22 (Mon.) 43rd | Feb. 15 (Mon.) 36th |
| Com. Intro. | Feb. 24 (Wed.) 45th | Feb. 17 (Wed.) 38th |
| House Origin | Mar. 10 (Wed.) 59th | Mar. 3 (Wed.) 52nd |
| 2nd House | Apr. 3 (Sat.) 83rd | Mar. 27 (Sat.) 76th |
| App. Bills | Apr. 9 (Fri.) 89th | Apr. 7 (Wed.) 87th |

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att 3-40

all appropriation bills, other than the omnibus bill and the omnibus reconciliation spending limit bill, shall be finally acted upon and the report of any conference upon amendments to any such bill which is finally passed in any regular session shall be adopted by both houses prior to the hour of adjournment on April 9, 1993, the 89th calendar day of the 1993 regular session and on April 8, 1994, the 89th calendar day in the 1994 regular session.

*Amended
motion*

(1) No bills shall be considered by the Legislature after the 90th calendar day in the 1993 and 1994 regular sessions except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 1992 Supp. 75-6702 and amendments thereto. This subsection (1) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of 2/3 of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Rev. JAN 14 1993 att
24

Repeal

Proposed Addition--Joint Rule 4

(1) No bills shall be considered by the Legislature after the 87th calendar day in the 1993 and 1994 regular sessions except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 1992 Supp. 75-6702 and amendments thereto. This subsection (1) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of 2/3 of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Re JAN 14 1993 att 5

HOUSE RESOLUTION No. 6004

By Representatives Miller and Sawyer

1-12

8 A RESOLUTION adopting permanent rules of the House of Rep-
9 resentatives for the 1993-1994 biennium.

10
11 *Be it resolved by the House of Representatives of the State of*
12 *Kansas:* That the following rules shall be the permanent rules of
13 the House of Representatives for the 1993-1994 biennium.

RULES OF THE HOUSE

1993-1994

Insert article heads throughout HR 6004

16 Rule 101. Time of Meeting. The hour of meeting on the first
17 day of each regular session shall be at 2:00 p.m., and on other days,
18 shall be 10:00 a.m., unless another hour is set at adjournment on
19 the previous legislative day.

the hour

20 Rule 102. Speaker Taking Chair. The Speaker shall take the
21 chair each day, at the hour to which the House has adjourned. The
22 Speaker shall call the House to order and proceed to business in
23 accordance with the Rules of the House.

24 Rule 103. First Business. The first business each legislative day
25 shall be the taking of the roll followed by prayer.

26 Rule 104. Order of Business. (a) The regular order of business
27 each legislative day, except on days and at times set apart for the
28 consideration of special orders and except as provided by the joint
29 rules of the House and Senate, shall be as follows:

except that if no hour of meeting is set at
adjournment on the previous legislative day,
the hour of meeting shall be 11:00 a.m.

30 (1) Introduction and reference of bills and concurrent
31 resolutions.

32 (2) Reports of select committees.

33 (3) Receipt of messages from the Governor.

34 (4) Communications from state officers.

35 (5) Messages from the Senate.

36 (6) Introduction and notice of original motions and house
37 resolutions.

38 (7) Consideration of motions and house resolutions offered on
39 a previous day.

40 (8) The unfinished business before the House at the time of
41 adjournment on the previous day.

(9) Consent calendar.

(10) Final Action on bills and concurrent resolutions.

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1 (11) Bills under consideration to concur and nonconcur.

2 (12) General Orders.

3 (13) Reports of standing committees.

4 (b) The presentation of petitions shall be a special order of busi-
5 ness on Friday of each week immediately preceding the regular order
6 of business.

7 **Rule 105. Members Excused from Attendance.** Members may
8 be excused from attendance on any legislative day by the Speaker
9 for the following reasons and such reasons shall be shown in the
10 Journal: (E1) verified illness; (E2) legislative business; and (E3) ex-
11 cused absence by the Speaker.

12 **Rule 106. Introduction of Guests.** Except when permission has
13 been given by the Speaker before taking the chair, no guests in the
14 gallery shall be introduced to the House.

15 **Rule 301. Quorum, What Constitutes.** A majority of all members
16 then elected (or appointed) and qualified shall constitute a quorum.
17 In the absence of a quorum no business shall be transacted by the
18 House, except as provided in Rule 302 and 303 or to recess or
19 adjourn.

20 **Rule 302. Absence of Quorum.** In the absence of a quorum
21 during any session of the House, the members present may do what
22 is necessary to attain a quorum. In the absence of a quorum while
23 in the committee of the whole, the committee shall rise and report.
24 Censure or expulsion may be imposed as provided by Article 49
25 when there is found to be no sufficient excuse for absence of a
26 member.

27 **Rule 303. Roll Call to Determine Quorum.** A roll call shall be
28 taken to determine the existence of a quorum on demand of any
29 member. The result of each roll call to ascertain a quorum shall be
30 recorded in the Journal by statement of the total number present,
31 naming only the absentees.

32 **Rule 501. Admission to Floor.** During daily sessions, from the
33 time of convening until adjournment to the following legislative day,
34 only the following classes of persons shall be admitted to the floor
35 of the House, the cloakrooms to the east of the house chamber and
36 the hallway at the west of the house chamber: (a) Members of the
37 Legislature; (b) officers and employees of the legislative branch who
38 are properly identified; (c) persons having permits from the Speaker.
39 No person registered with the Secretary of State as a lobbyist shall
40 be on the floor of the House chamber during the part of the year
41 that the Legislature is in session. The sergeant at arms shall remove
42 all persons from the floor, except persons authorized under the Rules
43 of the House or a House resolution. The provisions of this rule shall

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not be construed to prevent the right of access (through the west hallway) by persons going directly to or returning from the offices of the Speaker and the Majority Leader.

Rule 502. Smoking and Tobacco Products. No smoking shall be permitted in the House chamber. No member may request a page to purchase any tobacco product.

Rule 503. Galleries. Visitors shall be allowed in one or both galleries of the House in accordance with directions to the sergeant at arms from the Speaker. The use of telephones and the making of telephone calls in the galleries of the House are prohibited.

Rule 504. Placing Material on Member's Desks. No items or material shall be placed upon the desk of any member of the House unless any such item or material bears the signature or name of the member responsible for its distribution. This Rule 504 shall not apply to items or material provided by legislative staff.

Rule 505. Photographic Record of Vote. No photographic or similar record shall be made of the vote of any member upon any measure upon which a division of the assembly has been called.

Rule 701. Introduction of House Bills and Resolutions. Every House bill or resolution intended to be introduced shall be delivered to the chief clerk. The delivery shall be by a legislator who is a sponsor of the legislation or by a legislator who is the chairperson or vice chairperson of a legislative committee that has authorized the introduction, or by a legislative staff person or another member of the House authorized by such legislator. In lieu of introduction as provided by this rule, introduction may be as provided by law for prefiled bills and resolutions.

Rule 702. Introduction of Senate Bills and Concurrent Resolutions. Senate bills and concurrent resolutions sent to the House shall be introduced upon reading of the message received by the chief clerk.

Rule 703. Reading of Bills and Resolutions for Introduction. For the purpose of introduction, the chief clerk shall read bills and resolutions by title, except citations of statutes. The Speaker may require any House resolution to be read in full. The name of the sponsor shall be read if there is only one sponsor. If there are two sponsors, both names shall be read. If there are more than two sponsors, the name of the first sponsor shall be read, followed by the words "and others."

Rule 704. Senate Bills and Concurrent Resolutions; Procedure Following Introduction. Following introduction, all Senate bills and Senate concurrent resolutions when in the House shall follow the same procedure as House bills and House concurrent resolutions.

~~or in the hallways, restrooms and cloakrooms
immediately adjacent to the house chamber~~

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Rule 901. Reference, Generally. (a) On the day of introduction or the following legislative day, the Speaker shall refer each bill to:

- (1) A standing committee,
- (2) a select committee,
- (3) the committee of the whole House,
- (4) to two or more standing committees separately, or
- (5) to two or more standing committees jointly.

(b) On the day of introduction or the following legislative day, the Speaker shall refer each concurrent resolution:

- (1) In any way that a bill may be referred under subsection (a), if the concurrent resolution is a proposition to amend the Constitution of Kansas, to call a constitutional convention to amend or revise the Constitution of Kansas, to ratify an amendment to the Constitution of the United States, to apply for a United States constitutional convention, or to amend the joint rules of the House and Senate;

(2) if the concurrent resolution is not one of those specified in subpart (1) of this subsection (b), it may be referred in any way that a bill may be referred under subsection (a), or the Speaker may authorize consideration thereof on the day of introduction under the order of business introduction and reference of bills and concurrent resolutions.

(c) On the day of introduction, the Speaker may refer any House resolution (1) in any way that a bill may be referred under subsection (a) or (2) make no reference, except the Speaker shall make any reference required by the Rules of the House.

Rule 902. Appropriation Bills. Bills containing more than one item of appropriation shall be referred to the standing committee on appropriations, except that bills introduced by the committee on appropriations may be referred to the committee of the whole House.

~~Rule 903. Reference of Bills Affecting Public Employee Retirement, Fringe Benefits of State Employees and State Moneys. All bills and resolutions which affect the Kansas public employees retirement system, fringe benefits of state employees or the investment of state moneys shall be referred to the committee on appropriations prior to consideration thereof by the House.~~

Rule 904. Separately Referred Bills and Resolutions. (a) When a bill or resolution has been referred separately to two or more standing committees, each committee shall consider the bill or resolution separately in the order specified by the Speaker.

(b) If the first committee to which a bill or resolution has been separately referred, reports the bill or resolution adversely, the bill or resolution shall not be considered by the second committee, unless

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returned to the second committee by the committee of the whole House in accordance with Rule 1505.

(c) When a bill has been referred separately and the report of the first committee was not adverse, the report of the second committee shall be the report considered by the committee of the whole House.

~~Rule 905.~~ Jointly Referred Bills and Resolutions. When a bill or resolution is jointly referred, it shall be considered and acted upon at a joint meeting of the two committees. The chairperson of the first committee named in the joint referral shall be the chairperson of the joint committee when considering such bill or resolution.

Rule 904.

Rule 1101. Standing Committees; Names and Members. The standing committees of the House shall be the following and have the number of members indicated for each:

| | |
|--|----|
| 1. Agriculture | 21 |
| 2. Appropriations | 23 |
| 3. Calendar and Printing | 7 |
| 4. Economic Development | 19 |
| 5. Education | 23 |
| 6. Energy and Natural Resources | 21 |
| 7. Federal and State Affairs | 23 |
| 8. Financial Institutions and Insurance | 19 |
| 9. Governmental Organization and Elections | 19 |
| 10. Interstate Cooperation | 7 |
| 11. Judiciary | 21 |
| 12. Labor and Industry | 19 |
| 13. Local Government | 21 |
| 14. Public Health and Welfare | 19 |
| 15. Rules and Journal | 5 |
| 16. Taxation | 23 |
| 17. Transportation | 21 |

Rule 1102. Committee Appointments. (a) The Speaker shall appoint the members of the standing committees. The Speaker may remove or replace any such committee member at any time.

(b) The Speaker shall appoint the chairperson and vice chairperson of each standing committee. The Speaker may remove or replace any such chairperson or vice chairperson at any time.

Rule 1103. Select Committees. The Speaker may appoint select committees and the chairpersons and vice chairpersons thereof. The Speaker may remove or replace any such chairpersons or vice chairpersons or members of such committees. Select committees shall meet on call of the chairperson or when directed by the Speaker.

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1 Rule 1104. Announce Appointments. All committee appoint-
2 ments shall be announced in open session.

3 Rule 1301. Committee Meetings; Time and Place. (a) When the
4 Legislature is in session, standing committees shall meet at the times
5 and place assigned by the Speaker on the call of the chairperson.

6 (b) Also, when the Legislature is in session, a standing committee
7 shall meet upon written request of three members of the committee.
8 Such a request shall be submitted to the Speaker and the chairperson
9 at least one legislative day before the requested time of meeting.
10 The time and place of a meeting under this subsection (b) shall be
11 set by the chairperson with the approval of the Speaker.

12 Rule 1302. Notice and Agenda for Committee Meetings. The
13 chairperson shall provide notice of meetings and an agenda or agenda
14 information to committee members, the chief clerk and the public.
15 The chief clerk shall include in the calendar such information as is
16 practical.

17 Rule 1303. Duties of Committee Chairperson. The principal du-
18 ties of the chairperson of a standing committee are:

19 (a) To preside over meetings of the committee and to put all
20 questions;

21 (b) to maintain order and decide all questions of order subject
22 to appeal to the committee;

23 (c) to supervise and direct staff of the committee;

24 (d) to keep, or have the committee secretary keep, subject to
25 the approval of the committee at a subsequent meeting, minutes of
26 meetings which shall include:

27 (1) The time and place of each meeting of the committee;

28 (2) the attendance of committee members; and

29 (3) the names and addresses of persons appearing before the
30 committee and whom each represents;

31 (e) to prepare and sign reports of the committee and submit them
32 promptly to the chief clerk;

33 (f) to appoint subcommittees to perform duties on an informal
34 basis; and

35 (g) to inform the Speaker of any committee activity which caused
36 any member of the committee to be absent during any recorded
37 vote.

38 Rule 1304. Introduction of Committee Bills and Resolutions. A
39 committee may introduce bills and resolutions while the Legislature
40 is in session respecting any matters referred to it. A standing com-
41 mittee may introduce bills and resolutions only within the general
42 subject area assigned to the committee. No standing committee shall
43 originate a bill which is substantially identical with any bill which

has been referred to another standing committee, and which is under consideration by such committee.

Rule 1305. Quorum of a Committee. A quorum shall be present at a meeting for a committee to act officially. A quorum of a committee is a majority of the members of the committee. A quorum of a committee may transact business and a majority of the quorum, even though it is a minority of the committee, may adopt a committee report.

Rule 1306. Voting in Committees. (a) All final actions by a committee shall be taken at a called meeting while the Legislature is in session. The total vote for or against each action shall be recorded in the committee minutes.

(b) The committee chairperson may vote but shall not be required to vote unless the committee is equally divided. If the chairperson's vote makes the division equal, the question shall be lost.

(c) An action formally taken by a committee cannot be altered in the committee except by reconsideration and further formal action of the committee.

(d) A motion to take from the table may be adopted by the affirmative vote of a majority of the members present at any called meeting of the committee.

Rule 1307. Procedure in General. Committee procedure shall be informal, but where any questions arise thereon, the rules or practices of the House are applicable except that the right of a member to speak to any question shall not be subject to the limitations prescribed by Rule 1704.

Rule 1308. Committee Action on Bills and Resolutions. (a) A committee may recommend amendments to measures referred to it which are germane to the subject of the measure. Committee recommendations shall be made by committee report to the House. Committee reports shall be signed by the chairperson or other committee members authorized by the committee to make the report, and shall be transmitted to the House not later than the second legislative day following the action of the committee.

(b) All committee reports on bills and resolutions shall be recorded in the journal.

(c) If amendments are pending on a measure when referred to a committee, the amendments accompany the bill and the committee may recommend the adoption or rejection of the amendments already proposed and make further recommendations.

Rule 1309. Motion to Withdraw a Bill or Resolution from a Committee. (a) Each standing committee should report to the House upon all matters referred to it within 10 legislative days after its

All motions in a committee shall require a second.

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1 reference to the committee.

2 (b) When a committee fails to report on any bill or resolution
3 within the time directed by subsection (a), it may be withdrawn
4 from the committee by an affirmative vote of 70 members of the
5 House. Such a motion shall be made in writing, giving the reasons
6 for withdrawal from the committee. Such motion shall be made under
7 the order of business introduction and notice of original motions and
8 House resolutions. Only one bill or resolution may be named in
9 such a motion. The motion shall be read by the chief clerk or the
10 member making the motion and shall be printed in the calendar of
11 the next legislative day under the order of business consideration of
12 motions and House resolutions offered on a previous day. The motion
13 shall be considered on the legislative day following the day it is
14 made. If the motion prevails, the bill or resolution shall be placed
15 on the calendar under the order of business General Orders.

16 (c) Motions to withdraw a bill or resolution from a committee
17 are not subject to amendment or debate.

18 (d) The provisions of subsections (a) through (c) of this rule shall
19 not apply to resolutions adopting or amending rules of the House.
20 Resolutions relating to the adoption or the amendment of rules of
21 the House may be withdrawn from the Committee on Rules and
22 Journal at any time by the affirmative vote of 63 members of the
23 House.

24 Rule 1501. General Orders; Description and Function. Bills,
25 concurrent resolutions and House resolutions reported for further
26 action by the committee to which they were referred and bills and
27 concurrent resolutions referred directly to the committee of the
28 whole shall constitute the General Orders of the calendar of the
29 House. The titles of such bills and resolutions shall appear under
30 the heading General Orders in the order directed by the committee
31 on calendar and printing. The reporting committee and its action
32 on the bill or resolution shall be shown under each thereof. Such
33 bills and resolutions shall be considered by the committee of the
34 whole in the order which they appear on General Orders.

35 Rule 1502. Posting of Sequence for Succeeding Day. When the
36 committee on calendar and printing has prepared the sequence of
37 bills and resolutions to appear on General Orders for the succeeding
38 legislative day, a copy of the list giving the number designation of
39 each bill and resolution in the order they are to appear shall be
40 posted near the entrance to the House chamber. No bill or resolution
41 shall appear on General Orders or be considered in the Committee
42 of the Whole without notice of the same having been announced in
43 the House not later than 4:00 p.m. or prior to adjournment if at a

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1 later hour on the previous day.

2 Rule 1503. Change in the Sequence on General Orders. (a) The
3 order of a bill or resolution on General Orders may be changed by
4 unanimous consent or by the affirmative vote of 70 members.

5 (b) Also, the order of a bill or resolution on General Orders may
6 be changed by vote of a majority of all members then elected (or
7 appointed) and qualified of the House on a motion made as provided
8 in this subsection (b). Such a motion shall be made in writing, giving
9 the reasons for the proposed change. Such motion shall be made
10 under the order of business introduction and notice of original mo-
11 tions and House resolutions. Only one bill or resolution may be
12 named in such a motion. The motion shall be read by the chief clerk
13 or the member making the motion and shall be printed in the
14 calendar of the next legislative day under the order of business
15 consideration of motions and House resolutions offered on a previous
16 day. The motion shall be considered on the legislative day following
17 the day it is made. If such a motion fails, a motion to change the
18 order on General Orders of such bill shall not be in order until the
19 fifth legislative day following such failure.

20 (c) Motions to change the order of a bill or resolution on General
21 Orders are not subject to amendment or debate.

22 (d) This Rule 1503 does not apply to the addition or removal of
23 a bill or resolution from General Orders.

24 Rule 1504. Adversely Reported Bills and Resolutions; Calendar
25 Location. Bills and resolutions that are adversely reported shall ap-
26 pear on the calendar for one day under the heading bills adversely
27 reported.

28 Rule 1505. Motion to Move Adversely Reported Bill or Con-
29 current Resolution to General Orders. (a) A motion to add an ad-
30 versely reported bill or resolution to General Orders shall be made
31 in writing. Such motion shall be made under the order of business
32 introduction and notice of original motions and House resolutions,
33 and such motion may not be made after the legislative day when
34 the bill or resolution appears on the calendar under Rule 1504. The
35 motion shall be read by the chief clerk or the member making the
36 motion and shall be printed in the calendar of the next legislative
37 day under the order of business consideration of motions and House
38 resolutions offered on a previous day. The motion shall be considered
39 on the legislative day following the day it is made.

40 (b) When a bill or resolution has been separately referred and
41 is adversely reported by the first committee of separate reference,
2 a motion to add the adversely reported bill or resolution to General
43 Orders is not in order, but a motion to move the adversely reported

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1 bill or resolution to the next committee of separate reference may
2 be made in the same manner as the motion in subsection (a).

3 (c) Adoption of a motion under this Rule 1505 requires the af-
4 firmative vote of 70 members of the House.

5 (d) If a motion under subsection (a) prevails, the words "Ad-
6 versely Reported" shall be printed in a line below the title of the
7 bill when it is listed on General Orders.

8 **Rule 1701. Requesting the Floor.** Any member desiring to re-
9 quest the floor shall press the "present" button, and shall not proceed
10 until recognized by the chair.

11 **Rule 1702. Order During Speaking.** While a member is speaking
12 to the House, no other member shall engage in private conversation
13 or pass between the member speaking and the chair.

14 **Rule 1703. When Question is Put.** While a question is being
15 put or a roll call or division is being taken, members are not to
16 speak or leave their seats.

17 **Rule 1704. Violation of Rules While Speaking.** (a) Members shall
18 address the House from the microphone located in the well of the
19 House chamber.

20 (b) No member shall speak more than twice on the same day to
21 the same question without leave of the House, unless the member
22 is the mover or is carrying the measure, in which case such member
23 may open and close the debate and may respond to direct questions
24 from other members addressed to them during the course of con-
25 sideration of the measure. For the purposes of this subsection, an
26 amendment to any measure shall be considered as a separate and
27 independent question.

28 (c) The privilege of a member carrying a measure to open and
29 close the debate shall not be affected by any order for the previous
30 question or that debate shall cease. Such member may occupy 20
31 minutes in closing the debate after the previous question is ordered
32 and may divide that time with other members.

33 (d) While a member is carrying a measure, such member may
34 yield to another member for explanation of the measure, or for
35 personal explanation, or for a motion to adjourn without losing the
36 privilege to carry the measure for the remainder of their time except
37 that such member may not yield to any member who has already
38 spoken twice on such question on the same day.

39 (e) If any member, in speaking, violates the rules of the House,
40 the chair shall call such member to order.

41 **Rule 1901. Motion to go into Committee of the Whole House.**
42 When the order of business General Orders is reached, a motion
43 shall be in order for the House to go into committee of the whole

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for consideration of bills and resolutions as listed on General Orders.

Rule 1902. Committee of the Whole; Normal Procedure. Bills and resolutions shall be considered in the committee of the whole as follows: If the standing committee has recommended that the bill or resolution be amended, 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 report is not adopted, or if the committee has recommended no amendments, 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 considered, no amendment thereto shall be in order until the whole bill shall have been considered section by section. After the original bill, together with standing committee amendments if any, has been considered section by section, the chairperson 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 that when the committee arises it report a bill favorably, or report a bill favorably as amended, shall not be in order until all other motions have been disposed of, and such a motion shall not be offered as a substitute motion. A motion to strike the enacting clause is 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.

Rule 1903. Motion to Pass Over a Bill or Resolution While in Committee of the Whole. When in the committee of the whole, either (1) a motion to pass over a bill or resolution and that it retain its place on the Calendar or (2) a motion to pass over a bill or resolution and that it retain a place on General Orders shall be in order only after the chairperson has announced that the next order of business is such bill or resolution and has recognized a member to carry it. Either such motion shall require the vote of a majority of the members present for adoption. Motions under this rule shall not be subject to debate.

Rule 1904. Motions to Refer Bills or Resolutions to a Committee While in Committee of the Whole. When in the committee of the whole, motion may be made to refer a bill or resolution to a standing committee only after the chairperson has announced that the next order of business is such bill or resolution and has recognized a member to carry it. Such motion shall require the vote of a majority of the members present for adoption.

A roll call vote shall be taken upon a motion to strike the enacting clause.

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1 Rule 1905. Striking Bills and Resolutions from the Calendar
2 While in Committee of the Whole. (a) While in committee of the
3 whole, a motion to strike a bill or resolution from the calendar shall
4 be in order only after the chairperson has announced that the next
5 order of business is such bill or resolution and has recognized a
6 member to carry it.

7 (b) A motion to strike a bill from the calendar under this Rule
8 1905 (1) shall require a vote of a majority of the members present
9 for adoption, and (2) shall be subject to roll call in accordance with
10 subsection (c) of Rule 2507, but shall not be subject to a call of the
11 House under Rule 2508.

12 Rule 1906. Requesting the Floor. Any member desiring to re-
13 quest the floor shall press such member's "present" button, and shall
14 not proceed until recognized by the chairperson of the committee
15 of the whole.

16 Rule 1907. Rules Applicable. The same rules, except Rule 2508,
17 shall be observed in the committee of the whole as in the House,
18 so far as the same are applicable, except that the previous question
19 and the motion to lay on the table shall not apply.

20 Rule 1908. Rise and Report. A motion for the committee of the
21 whole to rise and report shall be in order at any stage, and shall
22 be decided without debate. When the committee of the whole has
23 a bill under consideration and rises without final action thereon, the
24 bill shall retain a place on General Orders.

25 Rule 1909. Effect of Recommendation of Committee of the
26 Whole. Bills recommended for passage and resolutions recommended
27 for adoption by the committee of the whole shall not be subject to
28 amendment or debate after the adoption by the House of the com-
29 mittee of the whole report. When a bill or resolution is reported
30 with the recommendation that the enacting or resolving clause be
31 stricken, and the committee of the whole report is adopted by the
32 House, the bill or resolution shall be considered as killed and shall
33 be stricken from the calendar.

34 Rule 1910. Report of Committee of the Whole. When the report
35 of the committee of the whole recommends the passage of a bill or
36 adoption of a resolution, and the report is adopted by the House,
37 such bills and resolutions shall be considered as ordered to the order
38 of business Final Action. If the bill or resolution has been amended
39 by the committee of the whole it shall be reprinted.

40 Rule 2101. Germaneness. Amendments to bills and resolutions
41 shall be germane to the subject of the bill or resolution. The principal
42 test of whether an amendment is germane shall be its relationship
43 to the subject of the bill or resolution, rather than to wording of

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1 the title thereof. The amendment must be relevant, appropriate,
2 and have some relation to or involve the same subject as the bill
3 or resolution to be amended. For the purposes of this rule the subject
4 matter of any appropriation bill is the spending and appropriating
5 of money and any amendment which changes the amount of money
6 spent in any state agency or program is germane to any appropriation
7 bill.

8 Any member, upon recognition by the presiding officer, may re-
9 quest a ruling upon the germaneness of any amendment to a bill
10 or resolution. All rulings upon the question of germaneness shall be
11 made by the chairperson of the House Committee on Rules and
12 Journal. At the time of making such ruling, the chairperson shall
13 state the reasons or basis for such ruling. Appeals from rulings of
14 the chairperson may be taken upon the motion of any member. Such
15 appeals shall be in order at the time of the making of the ruling
16 and shall take precedence over any question pending at the time
17 the chairperson makes such ruling. Appeals from the ruling of the
18 chairperson shall be debatable only by the member making the
19 motion to amend which is the subject of the ruling, the member
20 carrying the measure sought to be amended, the Majority Leader
21 or a member designated by the Majority Leader and the Minority
22 Leader or a member designated by the Minority Leader. Debate
23 upon the ruling of the chairperson shall be limited to the question
24 of the germaneness of the proposed amendment. At the conclusion
25 of debate the presiding officer shall inquire: "Shall the chairperson's
26 ruling be sustained?"

27 **Rule 2102. Form of Amendment Motions.** Motions to amend
28 bills and resolutions shall specify the page and line number, as shown
29 on the printed bill or resolution, and shall be in writing on a form
30 provided by the House or a form substantially similar. In the case
31 of amendment by substitute bill, motion shall be made to substitute
32 a written bill for the bill under consideration.

33 **Rule 2103. Reading Amendments; General Rule.** Motions to
34 amend bills and resolutions shall not require readings as for bills
35 introduced, except as otherwise provided in Rule 2107, but shall be
36 subject to Rule 2306.

37 **Rule 2104. Motions to Amend Motions.** A motion to amend a
38 motion to amend a bill or resolution shall not be in order.

39 **Rule 2105. Dividing Motions.** When any motion to amend a bill
40 or resolution contains distinct propositions it shall be divided by the
41 chairperson at the request of any member.

Rule 2106. Substitute Motions. No substitute motion to amend
a bill or resolution shall be in order.

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1 Rule 2107. Subject Change by Senate. (a) When the Senate
2 adopts amendments to a House bill which materially changes its
3 subject, upon return of such bill to the House, it shall be read as
4 provided for the introduction of bills and be referred as provided
5 in Rule 701.

6 (b) The Speaker may determine when a bill is subject to sub-
7 section (a).

8 Rule 2301. Order of Motions. When a question is under con-
9 sideration, no motion shall be received except as specified under
10 the Rules of the House, which motions shall have precedence in
11 the following order:

12 (a) For adjournment of the House.

13 (b) For call of the House.

14 (c) To lay on the table.

15 (d) For the previous question.

16 (e) To postpone to a certain time.

17 (f) To commit to a standing committee.

18 (g) To commit to a select committee.

19 (h) To reject the adoption of reports of conference committees
20 coupled with the request for appointment of a new conference
21 committee.

22 (i) To adopt the report of conference committees.

23 (j) To amend.

24 (k) To postpone indefinitely.

25 Rule 2302. Motion to Adjourn. The motion to adjourn shall al-
26 ways be in order, except while a vote is being taken and until
27 announced, or when a member has the floor, or when the previous
28 question is pending; but a motion to recess is not equivalent to a
29 motion to adjourn.

30 Rule 2303. Motion to Reconsider. A motion to reconsider shall
31 take precedence of all other questions except the motion to adjourn.
32 No motion for reconsideration of any vote shall be in order, unless
33 made on the same day or the legislative day following that on which
34 the decision to be reconsidered took place, nor unless a member
35 voting with the prevailing side shall move such reconsideration. A
36 motion for reconsideration, being put and lost, shall not be renewed,
37 nor shall any subject or vote be a second time reconsidered without
38 unanimous consent, but this provision shall not be construed as
39 preventing the introduction of a bill on the same subject. The mem-
40 ber moving for reconsideration shall be allowed not more than two
41 minutes for stating the reasons in support of the motion. Such motion
42 shall be subject to debate by any member, stating reasons in support
43 or opposition to the motion. Each of such members shall be allowed

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1 not more than one minute for the purpose of such debate. Such
2 motion shall require the affirmative vote of members equal in number
3 to that required to take the action proposed to be reconsidered. A
4 motion to reconsider any final action of the House shall be in order
5 at any time prior to the time at which the message of the House
6 thereon is read into the record of the Senate. A motion to reconsider
7 any final action of the House may be made after the time at which
8 the message of the House thereon is read into the report of the
9 Senate but any action taken pursuant thereto will be contingent upon
10 the return of the measure to the House by the Senate.

11 **Rule 2304. Previous Question.** The "previous question" shall be:
12 "Shall the main question be now put?" and until it is decided shall
13 preclude all amendments or debate. When voting on the previous
14 question, the House decides that the main question shall not now
15 be put, the main question shall be considered as still remaining
16 under debate. The main question shall be on the passage of the bill,
17 resolution or other matter under consideration. When amendments
18 are pending, a vote shall first be taken upon such amendments in
19 their order without further debate or amendment. A majority vote
20 of the members present shall order the previous question.

21 **Rule 2305. Motions Not Subject to Debate.** All questions relating
22 to priority of business shall be decided without debate. The motion
23 to adjourn, to change the order of consideration of a bill, for a call
24 of the House, and to lay on the table shall be decided without
25 amendment or debate. The several motions to postpone or commit
26 shall preclude all debate on the main question.

27 **Rule 2306. Motion to Refer Bills or Resolutions to Committee**
28 **When Not in Committee of the Whole.** When not in the committee
29 of the whole, a motion to refer a bill or resolution from the calendar
30 to a standing committee shall be in order only when the body is
31 meeting as the House of Representatives and shall be authorized
32 only when offered by the Majority Leader, or in the absence of the
33 Majority Leader, by the Assistant Majority Leader. Such motion
34 shall require the affirmative vote of a majority of the members then
35 elected (or appointed) and qualified to the House.

36 **Rule 2307. Motion to Strike Bills and Resolutions from Calendar**
37 **When Not in Committee of the Whole.** When not in the committee
38 of the whole, a motion to strike a bill or resolution from the calendar
39 shall be in order only when the body is meeting as the House of
40 Representatives and shall be authorized only when offered by the
41 Majority Leader, or in the absence of the Majority Leader, by the
42 Assistant Majority Leader. Such motion shall require the affirmative
43 vote of a majority of the members then elected (or appointed) and

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1 qualified to the House.

2 Rule 2308. Stating Question. Every motion shall be first stated
3 by the presiding officer or read by the chief clerk, before debate,
4 and again immediately before putting the question.

5 Rule 2309. Dividing Motion. If any motion contains distinct
6 propositions it shall be divided by the chairperson at the request of
7 any member.

8 Rule 2310. When Motions to be in Writing. Every motion, ex-
9 cept those specified in Rules 2301 and 2303, shall be in writing if
10 the Speaker or any member desires it. All motions to amend a bill
11 or resolution and all resolutions shall be in writing.

12 Rule 2311. Suspension of Rules of the House. (a) No rule of the
13 House shall be suspended except by unanimous consent or by an
14 affirmative vote of a majority of the members then elected (or ap-
15 pointed) and qualified to the House, subject to the following
16 exceptions:

17 (1) A motion to suspend the rules, and to declare an emergency
18 and to advance a bill to the order of business Final Action, as
19 contemplated in article 2, section 15 of the Constitution shall require
20 an affirmative vote of $\frac{2}{3}$ of the members present in the House.

21 (2) A motion to suspend the rules and to permit amendment and
22 debate of a bill under the order of business Final Action shall require
23 an affirmative vote of $\frac{2}{3}$ of the members present in the House.

24 (b) When under the rules of the House a motion, question or
25 action requires a vote of a majority greater than a majority of the
26 members present, the majority specified for such motion, question
27 or action shall be required to suspend the rules for the purpose of
28 such motion, question or action. When under the rules of the House
29 notice of a motion reduces the required majority for adoption of the
30 motion, the required majority shall not be reduced if the notice is
31 disposed of by suspension of the rules.

32 (c) Suspension of the rules or unanimous consent shall not reduce
33 the majority required under subpart (1) of subsection (a) of this rule.

34 Rule 2312. Mason's Manual; When Applicable. In any case
35 where rules of the House or the joint rules of the Senate and House
36 do not apply, Mason's Manual of Legislative Procedure, shall govern.

37 Rule 2501. Control and Use of Voting System. The electronic
38 voting system shall be under the control of the Speaker or other
39 presiding officer and shall be operated by the chief clerk. The elec-
40 tronic voting system shall be used to record the vote whenever a
41 roll call vote is taken on any question and may be used for ascer-
42 taining the vote upon any measure upon which a division of the
43 assembly has been called. In the event that the system is not op-

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erating properly, roll call votes may be taken by calling the roll.

Rule 2502. Procedure for Taking a Roll Call Vote. When a roll call vote is taken, the presiding officer shall state the question and instruct the members to proceed to vote. When sufficient time has been allowed the members to vote, the presiding officer shall inquire: "Has every member had an opportunity to vote?" After a short pause the presiding officer shall direct the chief clerk to close the roll. After the roll has been closed, when Rule 2505 applies, the presiding officer shall inquire: "Does any member desire to explain their vote?" and any member so desiring may give such explanation when recognized by the presiding officer. The presiding officer shall inquire: "Does any member desire to change their vote?" If any member does desire to change their vote, such member when recognized by the presiding officer, shall advise how they desire to change such vote and the presiding officer shall then instruct the chief clerk to make the appropriate change. A member who has not previously voted may vote at this time when permitted by the presiding officer. Such member shall advise how they wish to vote and the presiding officer shall then instruct the chief clerk to record such vote. After all members who desire to vote or to change their votes have had reasonable opportunity to do so, the presiding officer shall direct the chief clerk to record the vote, and when the vote is recorded the presiding officer shall announce the vote.

Rule 2503. Display of Recurring Totals. Under Rule 2502, recurring totals shall be displayed only after the roll is closed. No recurring totals shall be displayed for a determination of the vote upon a division of the assembly.

Rule 2504. Voting by Members. (a) A member may vote only when at their desk or at any place within the chamber of the House when authorized by the presiding officer, who shall direct the chief clerk to so vote for such member.

(b) No member shall vote for another member. No person not a member shall cast a vote for a member, except as otherwise provided in the rules. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member shall be subject to Article 49 of these rules. If a person not a member votes or attempts to vote for any member, such person shall be barred from the floor of the House for the remainder of the session, and, in addition to penalties prescribed by law, may be punished further as the House determines.

(c) The Speaker shall not be compelled to vote except in case of a tie.

Rule 2505. Explaining Vote. Any member may, when a roll call

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1 vote is being taken on the passage or adoption of any bill or reso-
2 lution, explain their vote. Such member shall be allowed not more
3 than one minute for such explanation. Such explanation, if furnished
4 in writing by such member upon the day the vote is taken, shall
5 be entered in the Journal, provided it does not contain more than
6 100 words.

7 **Rule 2506. Copies of Voting Records.** (a) Unless otherwise or-
8 dered, the chief clerk shall record each roll call vote and make copies
9 available for the use of the news media. No record shall be made
10 of the vote of any member voting upon any measure upon which a
11 division of the assembly has been called.

12 (b) When a roll call vote is taken, it shall be recorded in the
13 Journal by a statement of the names and total number voting in the
14 affirmative, the names and total number voting in the negative,
15 names and total number indicating presence but not voting and the
16 names and total number absent or not voting, except that the pro-
17 visions of this section shall not permit a member to fail to vote in
18 violation of Rule 2508.

19 **Rule 2507. When Roll Call Vote to be Taken.** (a) A roll call vote
20 shall be taken for the passage of any bill.

21 (b) A roll call vote shall be taken for the adoption of any con-
22 current resolution to amend the Constitution of the state of Kansas,
23 to call a Kansas constitutional convention, to extend a session of the
24 Legislature in even-numbered years, to ratify any amendment of the
25 Constitution of the United States, to make any application for Con-
26 gress to call a convention for proposing amendments to the Con-
27 stitution of the United States and when required by the joint rules
28 of the House and Senate. A roll call vote is not required for adoption
29 of concurrent resolutions pertaining to commendations or acknowl-
30 edgments, unless required under subsection (e) of Rule 2507.

31 (c) A roll call vote shall be taken for the adoption of any House
32 resolution to adopt, amend or revoke any rule of the House or to
33 reject any executive reorganization order.

34 (d) A roll call vote shall be taken to concur in Senate amendments
35 to any bill or concurrent resolution or to adopt any conference com-
36 mittee report other than a report agreeing to disagree.

37 (e) A roll call vote shall be taken on any question on demand of
38 15 members, unless a roll call vote is already pending.

39 **Rule 2508. Call of the House.** (a) A call of the House shall be
40 ordered on the demand of any 10 members at any stage of the voting
41 previous to the announcing of the vote or, if the voting system is
42 used, prior to recording the vote. This Rule 2508 shall apply to the
43 taking of a vote upon the final passage of any bill or final adoption

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1 of any resolution whether under the order of business Final Action
2 or under any order of business. Also, this Rule 2508 shall apply to
3 the taking of a vote on a motion to strike the enacting clause of a
4 bill and the resolving clause of a resolution and on a motion to strike
5 all after the enacting clause or resolving clause, except when the
6 House is in the committee of the whole. When the call of the House
7 is once invoked, then all members present during the call, shall be
8 required to vote before the call is raised. The call of the House
9 shall not be raised (so long as 10 members continue the demand)
10 until a reasonable effort has been exerted to secure absentees.

11 (b) Any member, who is directly interested in a question, may
12 be excused from voting, when there is a call of the House. The
13 member, who is requesting to be excused from voting, shall state
14 the reasons therefor, occupying not more than five minutes. The
15 question on excusing such member from voting shall be taken without
16 debate and a $\frac{2}{3}$ majority of members present shall be necessary to
17 excuse such member. If a member refuses to vote, when not excused,
18 such refusal shall constitute grounds for censure or expulsion under
19 Article 49 of the Rules of the House.

20 **Rule 2509. Voice Vote; Division of the Assembly.** Except when
21 a roll call vote is required a voice vote shall be taken on all questions.
22 Any member may call for a division of the assembly to determine
23 the vote by the voting system.

24 **Rule 2701. Description and Function.** Subject to Rule 2705, bills
25 and resolutions reported favorably by the committee of the whole
26 shall constitute the order of business Final Action of the House. The
27 titles of such bills and resolutions shall appear under the heading
28 Final Action in numerical order. The standing committee which
29 reported it and the committee of the whole action on the bill or
30 resolution shall be shown under each thereof.

31 **Rule 2702. Reading and Vote.** Each bill and resolution under
32 the order of business Final Action shall be read by title, except
33 citations of statutes amended or repealed and a roll call vote shall
34 then be taken upon final passage or adoption without amendment
35 or debate.

36 **Rule 2703. Amendment and Debate, When.** Upon motion as
37 provided in subpart (2) of subsection (a) of Rule 2311 or when rec-
38 ommended in the committee of the whole report which has been
39 adopted by the House, bills or resolutions may be debated and
40 amended on Final Action prior to the vote taken upon final passage
41 or adoption. Each bill or concurrent resolution considered under
42 this Rule 2703 shall be considered in the manner provided in Rule
43 1902 so far as it is applicable. A motion to strike the enacting clause

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or resolving clause shall be in order.

Rule 2704. Speaker to Preside. Subject to Rule 3303, the Speaker shall preside during the order of business Final Action.

Rule 2705. Consent Calendar. Whenever a standing committee is of the opinion that a bill or concurrent resolution upon which it is reporting is of a noncontroversial nature, it shall so state in its committee report. Whenever a bill or concurrent resolution is so reported, it shall be placed upon the Consent Calendar. Each bill or concurrent resolution placed on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. At any time prior to the call for the vote under the order of business Final Action on a bill or concurrent resolution on the Consent Calendar, any member may object to the bill or concurrent resolution as being controversial and thereupon it shall be removed from the Consent Calendar and shall be placed on General Orders. If no objection is made prior to the call for the vote on the bill or concurrent resolution, it shall be ordered to Final Action for vote before other bills and concurrent resolutions on Final Action.

Rule 2706. Majority for Bill Passage. As provided in section 13 of article 2 of the Constitution of Kansas, a majority of the members then elected (or appointed) and qualified, voting in the affirmative, shall be necessary for the passage of a bill.

Rule 2707. Majority for Adoption of Concurrent Resolutions. (a) A majority of the members then elected (or appointed) and qualified voting in the affirmative shall be necessary to adopt concurrent resolutions, except as otherwise specified in these rules.

(b) Adoption of concurrent resolutions to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate shall require a $\frac{2}{3}$ majority of the members then elected (or appointed) and qualified, voting in the affirmative.

Rule 2901. Resolving Clause; Form. (a) Concurrent resolutions to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House

Rule 2708. Motion to Adopt Report of Conference Committee. The member carrying the report of a conference committee shall move that such report be adopted prior to yielding the floor to any other member and a motion to adopt a report of a conference committee shall not be offered as a substitute motion.

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1 and Senate shall have a resolving clause which reads "Be it resolved
2 by the Legislature of the State of Kansas, two-thirds of the members
3 elected to the House of Representatives and two-thirds of the mem-
4 bers elected to the Senate concurring therein."

5 (b) Concurrent resolutions for any purpose other than subsection
6 (a) shall have a resolving clause which reads "Be it resolved by the
7 House of Representatives of the State of Kansas, the Senate con-
8 curring therein."

9 (c) House resolutions shall have a resolving clause which reads
10 "Be it resolved by the House of Representatives of the State of
11 Kansas."

12 **Rule 2902. House Resolutions; Introduction and Consideration.**

13 (a) House resolutions, except for those changing rules of the House
14 or approving or rejecting executive reorganization orders, shall lay
15 over at least one legislative day before action is taken thereon and
16 do not require a roll call vote unless required under subsection (c)
17 of Rule 2507.

18 (b) House resolutions shall be considered under the order of
19 business consideration of motions and house resolutions offered on
20 a previous day, except house resolutions to (1) adopt, amend or
21 revoke any rule of the House or (2) when the resolution has been
22 referred to a standing committee and reported favorably. Resolutions
23 under subparts (1) and (2) shall take a place on General Orders when
24 favorably reported or when referred to the committee of the whole
25 by the Speaker.

26 **Rule 2903. Resolutions; Limitations.** (a) Appropriations shall not
27 be made by resolutions.

28 (b) Resolutions do not require approval of the Governor.

29 **Rule 3301. Elected Member Officers.** The Speaker and the
30 Speaker Pro Tem shall be members and shall be elected by the
31 members of the House, except as otherwise provided in subsection
32 (b) of Rule 3304.

33 **Rule 3302. Duties of the Speaker.** In addition to other powers
34 and duties of the Speaker provided by the Rules of the House and
35 by law, the Speaker shall have the powers and duties as follows:

36 (a) To preserve order and decorum;

37 (b) to decide all questions of order, subject to appeal to the
38 House;

39 (c) in the absence of the Speaker Pro Tem, to appoint any mem-
40 ber to perform the duties of the chair for not more than two con-
41 secutive legislative days; and

42 (d) to name a chairperson to preside when the House is in com-
43 mittee of the whole.

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1 Rule 3303. Speaker Pro Tem. In the absence of the Speaker,
2 the Speaker Pro Tem shall exercise the powers and duties of the
3 Speaker.

4 Rule 3304. Filling Certain Vacancies. (a) When a vacancy occurs
5 in the office of Speaker and the Legislature is adjourned to a date
6 more than 60 days after the occurrence of the vacancy, the House
7 of Representatives shall meet within 30 days and elect a member
8 to fill the vacancy. The Speaker Pro Tem shall within 10 days of
9 such occurrence issue a call for such meeting at a time not less than
10 10 days and not more than 20 days after the date of the call.

11 (b) When a vacancy occurs in the office of Speaker Pro Tem or
12 Majority Leader of the House of Representatives, the Speaker shall
13 appoint an acting Speaker Pro Tem or acting Majority Leader, to
14 serve until the convening of the next session of the Legislature, at
15 which time the vacancy shall be filled in the manner provided for
16 the original election or selection of such officer.

17 (c) When a vacancy occurs in the office of Minority Leader of
18 the House of Representatives and the Legislature is adjourned to a
19 date less than 30 days after the occurrence of the vacancy, the
20 Assistant Minority Leader shall become the acting Minority Leader
21 to serve until the convening of the next session of the Legislature,
22 at which time the vacancy shall be filled in the manner provided
23 for the original selection of such officer. When a vacancy occurs in
24 the office of the Minority Leader of the House and the Legislature
25 is adjourned to a date 30 days or more after the occurrence of the
26 vacancy, the Assistant Minority Leader shall within 10 days after
27 such occurrence issue a call for a meeting of the members of the
28 minority party at a time not less than 10 and not more than 20 days
29 after the date of the call to be held in the state capitol for the
30 purpose of filling the vacancy in the office of Minority Leader for
31 the remainder of the term of office. From the time of the occurrence
32 of such vacancy until the filling of the vacancy, the Assistant Minority
33 Leader shall serve as acting Minority Leader and shall exercise the
34 powers and duties of the Minority Leader. When a vacancy occurs
35 in the office of Assistant Minority Leader, the Minority Leader shall
36 appoint an Assistant Minority Leader to serve until the convening
37 of the next session of the Legislature, at which time the vacancy
38 shall be filled in the manner provided for the original selection of
39 such officer.

40 (d) Any person elected, appointed or designated to fill a vacancy
41 under this rule shall exercise all of the duties and powers prescribed
42 for the office so filled.

43 Rule 3501. Chief Clerk; Appointment. The chief clerk shall be

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1 appointed by the Speaker and shall serve under the Speaker's d
2 rection, control and supervision and at the pleasure of the Speake
3 As used in the Rules of the House, "chief clerk" means the chi
4 clerk appointed under this Rule 3501 or a person designated by th
5 chief clerk to perform a function of the chief clerk.

6 **Rule 3502. Duties of the Chief Clerk.** The chief clerk shall s
7 pervise the keeping of and be responsible for a record of all pr
8 ceedings of the House; number and present to the House all bill
9 resolutions, petitions and other papers which the House may requir
10 deliver all messages from the House to the Senate; transmit bil
11 and other documents to be printed and take a receipt therefo
12 transmit bills for engrossment and take receipt therefor; receive a
13 bills, resolutions and other papers which are enrolled and give recei
14 therefor; and cause all enrolled bills, resolutions and other document
15 to be proofread and corrected prior to signing thereof by officers o
16 the House.

17 **Rule 3503. Other Clerks.** The chief clerk shall appoint addition
18 clerks and personnel to assist in performance of the duties of th
19 chief clerk. Such additional clerks and personnel shall serve unde
20 the chief clerk's direction, control and supervision and at the pleasur
21 of the chief clerk.

22 **Rule 3504. Document Care.** No bill, resolution, petition or othe
23 document shall be loaned or delivered to any person, except whe
24 delivered to an officer of the House, to the director of printing, th
25 revisor of statutes or the Senate and only upon a written receip
26 therefor.

27 **Rule 3505. Sergeant at Arms; Appointment.** The sergeant a
28 arms shall be appointed by the Speaker and shall serve under th
29 Speaker's direction, control and supervision and at the pleasure o
30 the Speaker.

31 **Rule 3506. Duties of the Sergeant at Arms.** The sergeant a
32 arms shall preserve order within the chamber of the House and its
33 lobby and galleries. The sergeant at arms may arrest and take int
34 custody any person for disorderly conduct, subject at all times t
35 the authority of the House or Speaker, or chairperson of the com
36 mittee of the whole, and shall be responsible for the enforcemen
37 of Rules 501 through 505 and 2506(a). The sergeant at arms sha
38 receive items or material for distribution among the members of th
39 House. The sergeant at arms shall execute all orders of the Hous
40 not otherwise provided for.

41 **Rule 3507. Assistant Sergeants at Arms.** The Speaker may ap
42 point and remove assistant sergeants at arms to serve under th
43 supervision of the sergeant at arms. All doorkeepers and night watch

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1 men shall be assistant sergeants at arms.

2 **Rule 3701. Adopting, Amending or Revoking Rules of the**
3 **House.** No rule of the House shall be adopted, amended or revoked
4 except by a House resolution which has been adopted by an affir-
5 mative vote of a majority of the members then elected (or appointed)
6 and qualified to the House.

7 **Rule 3702. Resolutions for Rule Changes.** (a) Notwithstanding
8 any other rule of the House, the Speaker shall refer all resolutions
9 which provide for the adoption, amendment or revocation of any
10 House rule to the standing Committee on Rules and Journal before
11 its consideration by the House.

12 (b) No resolution relating to the rules of the House which has
13 been referred to the standing Committee on Rules and Journal shall
14 be tabled or reported adversely by such committee except by the
15 unanimous vote of all members of such committee.

16 **Rule 3703. Printing.** Resolutions to which this Article 37 apply
17 shall be printed and are subject to subsection (c) of Rule 2507.

18 **Rule 3704. Adoption of Resolutions.** Resolutions to which this
19 Article 37 apply shall be subject to Rule 2902.

20 **Rule 3705. Special Sponsorship of Rule Change Resolutions.**
21 Notwithstanding any provision of the rules of the House to the
22 contrary, no referral to the standing committee on rules and journal
23 shall be required for the adoption of a resolution adopting, amending
24 or revoking any one or more rules of the House at the commence-
25 ment of a legislative session, and adoption of any such resolution
26 shall require only the affirmative vote of not less than a majority of
27 the members then elected (or appointed) and qualified, subject to
28 the following conditions: (a) The resolution is sponsored by the
29 Speaker or the standing committee on rules and journal and (b)
30 either (1) a copy thereof is mailed to each member by deposit in
31 the United States mails not later than 11:00 p.m. on the Thursday
32 preceding the Monday on which the legislative session is to com-
33 mence or (2) in lieu of mailing, copies of the resolution are made
34 available to members on the first day of the legislative session and
35 consideration under Rule 3704 occurs on the second legislative day

36 **Rule 3901. Bills Amending Existing Statutes.** Any bill intended
37 to amend or repeal any section or sections of the Kansas Statute
38 Annotated shall recite in its title the section or sections to be
39 amended or repealed, and if to amend or repeal any section of a
40 session law not in Kansas Statutes Annotated, the section and chapter
41 of the session law affected.

42 **Rule 3902. Bills, Copies.** Each bill introduced shall consist of an
43 original and copies. All bills shall be printed with as many copies

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1 as the Speaker specifies. Except for prefiled bills, printing shall be
2 ordered subsequent to introduction.

3 Rule 3903. Showing Committee Amendments. All bills and res-
4 olutions reported by a committee with recommendation for amend-
5 ments and to be passed as amended shall be reprinted.

6 Rule 3904. Substitute Bills. When a substitute bill is recom-
7 mended by a committee report, and when an amendment from the
8 floor is adopted replacing the bill under consideration with a sub-
9 stitute bill, the substitute bill shall be printed in the manner provided
10 for bills introduced, and the bill number designation shall be sub-
11 stantially as follows:

12 (a) In the case of bills substituted for House bills, "Substitute
13 for House Bill No. _____," and the blank shall be filled with
14 the number of the bill for which substitution is made or
15 recommended.

16 (b) In the case of bills substituted for Senate bills, "House Sub-
17 stitute for Senate Bill No. _____," and the blank shall be filled
18 with the number of the bill for which substitution is made or
19 recommended.

20 Rule 3905. Appropriation Bills. All bills making an appropriation
21 shall be printed and distributed at least 48 hours before such bills
22 are considered by the House.

23 Rule 3906. Committee of the Whole Amendments. If a bill or
24 concurrent resolution is amended by the committee of the whole,
25 it shall be reprinted showing the amendments.

26 Rule 3907. Concurrent Resolutions, When Printed. (a) Concur-
27 rent resolutions to amend the Constitution of Kansas, to call a con-
28 stitutional convention to amend the Kansas constitution, to ratify
29 amendments to the Constitution of the United States, to apply for
30 a United States constitutional convention or to amend the joint rules
31 of the House and Senate shall be printed as provided for bills under
32 Rule 3902.

33 (b) Other concurrent resolutions shall be printed as provided for
34 bills under Rule 3902, unless otherwise directed by the Speaker.

35 Rule 3908. Embellished Printing of Certain Resolutions. Unless
36 otherwise directed by the Speaker, not more than five copies of any
37 enrolled House resolutions and any enrolled House concurrent res-
38 olutions may be printed on embellished parchment and shall be
39 distributed as directed by the resolution. Additional copies of any
40 resolution may be printed on embellished parchment and mailed at
the expense of the member requesting such additional copies.

41 Rule 3909. House Resolutions. Subject to Rule 3908, House res-
42 olutions shall not be printed, except resolutions to amend rules of
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1 the House, to approve or disapprove executive reorganization orders
2 or if the resolution has been referred to a committee, in which cases
3 the resolution shall be printed.

4 **Rule 4101. Journal; Preparation.** The daily Journal of the House
5 of Representatives shall be prepared by the chief clerk in accordance
6 with the Rules of the House.

7 **Rule 4102. Entering in Journal.** When a bill, order, motion or
8 resolution is entered in the Journal, the names of the members or
9 legislative committee introducing or moving the same shall be
10 entered.

11 **Rule 4103. Resolutions in Journal.** All House resolutions and all
12 House concurrent resolutions shall be printed in the Journal when
13 introduced.

14 **Rule 4104. Messages from the Governor in Journal.** All mes-
15 sages from the Governor and all executive reorganization orders shall
16 be printed in the Journal.

17 **Rule 4105. Calendar; Preparation.** The House Calendar shall be
18 prepared for each legislative day by the chief clerk in accordance
19 with the Rules of the House.

20 **Rule 4106. Status of Bills and Resolutions Shown in Calendar.**
21 The status of all House and Senate bills and concurrent resolutions
22 and House resolutions shall be shown by number in the Calendar
23 for each legislative day.

24 **Rule 4107. Copies of Journals and Calendars.** Each member
25 shall be furnished with a printed copy of the daily Journal and the
26 daily Calendar.

27 **Rule 4301. Employees; Employment.** Such employees as are
28 necessary to enable the officers, members and committees to prop-
29 erly perform their duties and transact the business of the House
30 with efficiency and economy shall be recruited under the supervision
31 of the director of legislative administrative services subject to ap-
32 proval of the Speaker. The director of legislative administrative serv-
33 ices shall keep a roster of the employees of the House and an account
34 of the hours of service performed. No employee shall lobby for or
35 against any measure pending in the Legislature and any employee
36 violating this rule shall be discharged immediately.

37 **Rule 4302. Special Order.** Any matter may be made the special
38 order for any particular time or day, but all requests and motions
39 for special orders shall be referred to the committee on rules and
40 journal, which may designate particular times and days for such
41 special orders and report to the House for its approval. Upon adop-
42 tion of such report by $\frac{2}{3}$ of the members present, the matters
43 designated shall stand as special orders for the times stated, but no

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1 special order shall be made more than seven days in advance. This
2 Rule 4302 shall not apply to executive reorganization orders or res-
3 olutions relating thereto.

4 **Rule 4303. Petitions; Presentation.** Petitions and memorials ad-
5 dressed to the House shall be presented by a member.

6 **Rule 4304. Petitions; Endorse Name.** Each member presenting
7 a petition or memorial shall endorse it with their name or the name
8 of the committee, and a brief statement of its subject.

9 **Rule 4305. Open Meetings.** The open meeting law (K.S.A. 75-
10 4317 *et seq.* and amendments thereto) shall apply to meetings of
11 the House of Representatives and all of its standing committees,
12 select committees, special committees and subcommittees of any of
13 such committees.

14 **Rule 4501. Referral of Executive Reorganization Orders.** When-
15 ever an executive reorganization order is received from the Gov-
16 ernor, it shall be referred to an appropriate committee by the
17 Speaker.

18 **Rule 4502. Committee Report on Executive Reorganization Or-**
19 **ders.** The committee to which an executive reorganization order is
20 referred shall report its recommendations upon every executive re-
21 organization order referred to it, in the form of a House resolution,
22 not later than the 60th calendar day of any regular session, and not
23 later than 30 calendar days after it has received such referral which-
24 ever of the foregoing occurs first.

25 **Rule 4503. Return in Event of Committee's Failure to Report.**
26 In the event that a committee fails to report upon an executive
27 reorganization order and upon all resolutions relating thereto referred
28 to it within the time specified in Rule 4502, such committee shall
29 be deemed to have returned the same to the House without rec-
30 ommendation thereon.

31 **Rule 4504. Special Order of Business for ERO.** When a report
32 or return of an executive reorganization order is made, it and all
33 resolutions for approval or disapproval thereof shall be made the
34 special order of business on a particular day and hour specified by
35 the Speaker but not later than the last day the executive reorgan-
36 ization order may be disapproved under section 6 of article 1 of the
37 Constitution of Kansas.

38 **Rule 4505. Nonapplication to Bills.** This Article 45 shall not apply
39 to bills amending or otherwise affecting executive reorganization
40 orders.

41 **Rule 4506. Nonaction When Moot.** The House shall act to ap-
42 prove or reject every executive reorganization order unless at the
43 time set for such action the Senate shall have already rejected such

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1 executive reorganization order.

2 **Rule 4701. Impeachment; Powers.** Nothing in the rules of the
3 House or in any statute shall be deemed to impair or limit the
4 powers of the House of Representatives with respect to
5 impeachment.

6 **Rule 4702. Same; Select Committee.** The Speaker may appoint
7 a select committee comprised only of members of the House of
8 Representatives, and appoint its chairperson, to inquire into any
9 impeachment matter. Any such committee may be appointed at any
10 time and shall meet at the call of its chairperson or at the direction
11 of the House, with the numbers of such appointees being minority
12 party members and majority party members in the same proportion
13 as for the entire House membership.

14 **Rule 4703. Same; Reference.** The Speaker may refer any im-
15 peachment inquiry or other impeachment matter to any standing
16 committee or any select committee appointed under Rule 4702, and
17 any committee to which such a referral has been made shall meet
18 on the call of its chairperson.

19 **Rule 4704. Same; Report.** Whenever a report is made by a
20 committee to which an impeachment inquiry or other impeachment
21 matter has been referred, the report thereon shall be made to the
22 full House of Representatives, except that any such report may be
23 submitted preliminarily to the Speaker.

24 **Rule 4705. Same; Call into Session.** The Speaker or a majority
25 of the members then elected (or appointed) and qualified of the
26 House of Representatives may call the House of Representatives into
27 session at any time to consider any impeachment matter.

28 **Rule 4706. Same; Procedure.** The Speaker and any officer or
29 committee acting under authority of this rule may follow any statutory
30 procedure to the extent the same is not in conflict with the provisions
31 of this rule, but nothing in this rule nor in any statute shall be
32 deemed to constitute a waiver of any inherent powers of the House
33 of Representatives.

34 **Rule 4901. Complaint.** When any member of the House of Rep-
35 resentatives desires to lodge a complaint against any other member
36 of the House of Representatives, requesting that the member be
37 censured or expelled for any misconduct, the complaining member
38 shall file a written statement of such complaint with the chief clerk
39 and such complaint shall bear the signature of the complaining
40 member.

41 **Rule 4902. Select Committee; Consideration of Complaint**
42 Whenever any complaint has been filed under this rule, the Speaker
43 shall appoint a select committee for consideration thereof. The selec

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1 committee may dismiss the complaint after the inquiry or may set
2 the matter for hearing. Reasonable notice and an opportunity to
3 appear shall be afforded the member complained of at any hearing
4 held hereunder. Any select committee meeting under authority of
5 this section shall be authorized to meet and exercise compulsory
6 process without any further authorization of any kind, subject, how-
7 ever, to limitations and conditions prescribed in article 10 of chapter
8 46 of Kansas Statutes Annotated. Upon completing its hearing the
9 deliberations thereon, the select committee may dismiss the com-
10 plaint or may make recommendations to the full House of Repre-
11 sentatives for censure or expulsion.

12 **Rule 4903. Action by House.** Upon receiving any report under
13 Rule 4902, the House of Representatives may, without further hear-
14 ing or investigation, censure or expel the member complained of.
15 Censure or expulsion of a member shall require a 2/3 majority vote
16 of those members elected (or appointed) and qualified of the House
17 of Representatives.

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