

HCR

4

<TARGET><BILL>HCR 4</BILL><SUBJECT>HCR
4</SUBJECT><COMM>HRLS27</COMM></TARGET>

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 1
 Bill Version HCR 4
 (H) Publish Date 2/9/2011

Identifier (file name) _____ Dept. Affected _____
 Title Uniform Rules; Mason's Manual Appropriation _____
 _____ Allocation _____
 Sponsor House Rules Committee _____
 Requester House Rules Committee OMB Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation	Information					
	Required	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES	FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other (please identify)							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time							
Part-time							
Temporary							

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable - initial version

Prepared by Debra Higgins
 Division House Rules Committee
 Approved by Representative Craig Johnson
Chair

Phone 465-3764
 Date/Time _____
 Date 2/8/2011

FISCAL NOTE #1

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HCR 4

Analysis

No fiscal impact.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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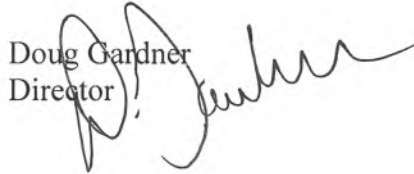
MEMORANDUM

March 15, 2011

SUBJECT: Correction to February 23, 2011 Memorandum

TO: Representative Craig Johnson
Chair of the House Rules Committee

FROM: Doug Gardner
Director



In my memorandum of February 23, 2011, regarding adoption of *Mason's Manual of Legislative Procedures*, 2010 Edition, page 3, at the conclusion of the second paragraph, I wrote, "In addition I note that the 2010 *Mason's* does not include the citation to *Stanford* in Section 504, or in any remaining sections." I note that this is incorrect. The 2010 *Mason's* editors retained the quotation to *Stanford* in other sections. However, the 2010 *Mason's* editors limited reliance on *Stanford* by eliminating Section 504(2) from the 2000 *Mason's*, where the citation to *Stanford* was the only case supporting 2000 *Mason's* Section 504(2). Please attach this memorandum to my prior memorandum of February 23, 2011, to clarify this error.

DDG:plm
11-150.plm




ALASKA STATE LEGISLATURE HOUSE RULES COMMITTEE

REPRESENTATIVE CRAIG JOHNSON, CHAIRMAN

State Capitol Room 216, Juneau, AK 99801-1182 (907) 465-4993, (907) 465-3872 Fax
716 W. 4th Ave., Ste. 640, Anchorage, AK 99501 (907) 269-0200, (907) 269-0204 Fax

MEMORANDUM

TO: All House Members

FROM: Representative Craig Johnson
Chair, House Rules Committee 

DATE: March 9, 2011

RE: Response to Rep. Gruenberg Regarding HCR 4 - Uniform Rules; 2010 Mason's Manual

Attached please find a legal opinion from Doug Gardner, Director of Legislative Legal Services responding to the Masons' Manual issues that Representative Gruenberg raised in his February 9th memo, which is also attached.

Mr. Gardner's opinion and conclusions are consistent with advice I had previously been given by staff regarding the issues that were raised. Given the importance of the issue, however, I wanted to make sure we had an opinion from Legislative Legal before proceeding with adoption of the 2010 edition.

I believe the issues Representative Gruenberg raised have been adequately addressed in Mr. Gardner's memo and I intend to schedule HCR 4 for the floor again in the near future.

Attachments



ALASKA STATE LEGISLATURE HOUSE RULES COMMITTEE

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MEMORANDUM

TO: Representative Max Gruenberg

CC: Mike Chenault,
Speaker of the House

Senator Johnny Ellis
Chairman, Senate Rules Committee

FROM: Representative Craig Johnson
Chairman, House Rules Committee *CJ*

DATE: February 23, 2011

RE: HCR 4 - Uniform Rules; 2010 Mason's Manual

Attached please find a legal opinion from Doug Gardner, Director of Legislative Legal Services regarding the Masons' Manual issues you raised in your 2/09/11 memo. Mr. Gardner's opinion and conclusions are consistent with advice I had previously been given by staff regarding the issues you raised. Given the importance of the issue, however, I wanted to make sure we had an opinion from Leg. Legal before proceeding with adoption of the 2010 edition.

Please review the Gardner memo and contact me as soon as possible if you have additional concerns. I believe the issues you raised have been adequately addressed in Mr. Gardner's memo and I intend to schedule HCR 4 for the floor again in the near future.

Thank you for your input Max. As always, you bring a unique expertise and perspective to the legislative process that often contributes in a significant way.

Attachment

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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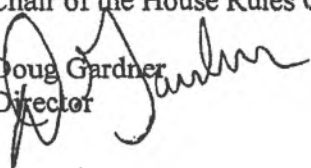
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 23, 2011

SUBJECT: Legal opinion regarding proposed adoption of *Mason's Manual of Legislative Procedures*, 2010 Edition

TO: Representative Craig Johnson
Chair of the House Rules Committee

FROM: Doug Gardner
Director 

You asked for a review of a memorandum dated February 9, 2011, from Representative Gruenberg to the House Rules Committee. In his memorandum, Representative Gruenberg identified six sections of *Mason's Manual on Legislative Procedure* ("*Mason's*"). Two of the sections identified (Sec. 631 and Sec. 739(4)) by Representative Gruenberg were described as favorable additions or clarifications. However, four of the sections (Secs. 502(1), 504(2), 740(4), and 802(5)) were identified in Representative Gruenberg's memorandum as areas of concern, either due to their elimination from the 2010 *Mason's*, or due to amendment. This memorandum will focus on the four sections that Representative Gruenberg identified as sections of concern.

Section 502

Section 502(1) was eliminated in the 2010 *Mason's*. Section 502(1) in the 2000 *Mason's* provided:

1. Ordinarily, a "quorum" means a majority of all entitled to vote.

While *Mason's* does not provide a discussion of why this section was eliminated, it appears some of the answer may come from reading 2010 *Mason's*, Section 500(2). 2010 *Mason's*, Section 500(2) provides:

500(2). The majority of the membership of a body constituted of a definite number of members constitutes a quorum for the purpose of transacting business.

It appears that an argument can be made that the 2000 *Mason's* Section 502(1) is redundant. The 2010 *Mason's* Section 500(1) is consistent with the requirements of article II, section 12 of the Alaska Constitution which provides in relevant part that "[a] majority of the membership of each house constitutes a quorum to do business" The point at which a member is no longer entitled to vote, would seem to be when a member

is no longer a member of either the house or senate. So, focusing on membership, rather than a voting right, suggests that the deleted Section 502(1) from the 2000 *Mason's* is a deletion that would have little, if any relevance, in determining a quorum based on article II, section 12 of the Alaska Constitution, and Section 500(1) of the 2010 *Mason's* which is consistent with the constitution.¹

Section 504(2)

The deletion of the 2000 *Mason's* Section 504(2) from the 2010 *Mason's* appears to have been based on a review of the lone case from the 2000 *Mason's* that supported the following proposition:

Where a roll call shows that there was a quorum for the transaction of business, but the roll call on a particular proposition discloses that less than a quorum voted, it will not be presumed that a quorum was not present at the time the vote was taken. When it appears that a quorum is present, and it does not appear from the records that a recess has taken place, it will be presumed that a quorum continued to be present.

2000 *Mason's* cites to *State ex rel. Stanford v. Ellington*, 23 S.E. 250 (N.C. 1895), as support for the above quoted proposition. I pulled this case and read it. A fair reading of the case suggests that it stands for the principle that there is a presumption of a quorum until it appears there is no quorum. However, in *Stanford*, the court found that the presumption of a quorum for a prior vote in the favor of the plaintiff being elected by the North Carolina Legislature as state librarian was unsupported by the court's review of the voting record. *Id.* at 251. In short, the court concluded that when the vote was taken there may have been a quorum present with some members not voting, which could explain the lower number of votes than necessary to confirm the presence of a quorum. The *Stanford* court concluded that it was beyond the ability for the court to ascertain the

¹ I also note that in the 2000 *Mason's*, there was only one case cited to support the proposition cited in Section 502(1), which is *Bedford County Hospital v. Bedford County*, 304 S.W.2d 697 (Tenn. App. 1957). The *Bedford County* case was not a case involving a legislative quorum, but rather a quorum for purposes of corporate law. I note that the *Bedford County* case, relying on the quorum discussion in 74 *Corpus Juris Secundum*, p. 171 (which I believe was a reference to the present version of 19 *Corpus Juris Secundum* Corporations §523 (Quorum), was probably an oversight by the 2000 *Mason's*. It may be that the 2010 *Mason's* editors thought that a reference to corporate law was inapposite, as 81A *Corpus Juris Secundum* States §82 (Quorum) may have been a more appropriate authority as applied to a legislative quorum. In addition, 81A *Corpus Juris Secundum* States §82 recites the authority that "generally, a majority of members of a legislative body will constitute a quorum, in the absence of a constitutional provision fixing the number." In short, the 2010 *Mason's* editors probably chose the opportunity to remove reference to the 2000 *Mason's* Section 502(1), because it was a corporate law reference, and as a consequence may not have been regarded by the editors as "on-point" for analyzing legislative quorum issues.

presence of a quorum based on the record. *Id.* The court was unwilling to speculate that there really may have been a quorum based on an abstention by a voting member, etc., which was not recorded. Accordingly, the court fell back on the proposition that a quorum is defined as "a majority of all members," and the court went on to invalidate the vote based on the votes recorded. *Id.* at 251-252.

The 2010 *Mason's* editors may have come to the conclusion, based on a review of *Stanford*, that a presumption of a quorum from a policy standpoint may create a risk, and lead to a result where legislative action is taken by less than a quorum, and found invalid. In addition, after reading *Stanford*, it appears that a court is unlikely, based on a challenge to a legislative action, to affirm that action based on a presumption of a quorum, without concrete facts to rely on. A court is more likely to look at voting records, and if the court cannot confirm a quorum from those records, the court will fail to find a quorum and invalidate the vote. In addition, I note that the 2010 *Mason's* does not include the citation to *Stanford* in Section 504 or in any of the remaining sections.

Section 740(4)

2010 *Mason's*, Section 740(4) currently reads as follows:

When a bill has passed [BOTH BRANCHES OF] the legislature and has been signed by the appropriate officers and sent to the governor for approval, it has passed beyond the control of either house[.] **However it may be recalled.** [AND CANNOT BE RECALLED EXCEPT BY THE JOINT ACTION OF BOTH HOUSES.]

The concern expressed by Representative Gruenberg is that the 2010 *Mason's* Section 740(4), as set out above, deletes reference to the mechanism for recalling a bill once it has been sent to the governor. This language was likely deleted by the 2010 *Mason's* revisors based on the holding in *King v. Cuomo*, 613 N.E.2d 950, 952-54 (New York Court of Appeals 1993) (unless a state constitution contains a provision allowing the legislature to recall a bill sent to the governor, such practice is unconstitutional), and dicta in *De Asis v. Department of Motor Vehicles*, 112 Cal. App. 4th 593, 601 (2003) (court stated that the Constitution of the State of California does not prohibit retrieval of bill by legislature from governor, and since both parties acquiesced in the procedure, court didn't need to reach this issue; bill invalidated on other grounds). In short, any authority for the legislature to "retrieve" a bill from the governor must be provided for in a state's constitution, and if that authority exists, the current 2010 *Mason's* appears to simply acknowledge that process. In Alaska, I could find no such authority in the state constitution, so deleting this reference in the 2010 *Mason's* Section 740(4) should not present an issue for the Alaska Legislature.

Representative Craig Johnson
February 23, 2011
Page 4

Section 802(5)

The revisors of the 2010 *Mason's* chose to delete Section 802(5) which reads:

A subpoena for attendance of a witness is not vitiated as to the necessity of the attendance of a witness by the inclusion of illegal requirements for the production of documents.

A review of the 2010 *Mason's*, Section 802 suggests that the 2000 *Mason's* Section 802(5) may have been deleted due to the presence of remaining authority in the 2010 *Mason's* that: (1) allows the law of a jurisdiction to provide a criminal penalty for failure to obey a subpoena (Section 802(2)); (2) provides that a witness lawfully subpoenaed may be compelled to attendance (Section 802(5)); and (3) a witness disobeying a subpoena may be arrested and brought before the legislative body issuing the subpoena (Section 802(6) and 802(7)). The authority in the 2010 *Mason's* Section 802 is consistent with the powers that the Alaska Legislature has to compel attendance of a witness through subpoena power, and if necessary by arrest and detention. AS 24.25.010 - 24.25.080. A review of AS 24.25.010(c) suggests that a subpoena is valid if it states before whom the proceeding is held, is addressed to the witness, requires the attendance of the witness at a time and place certain, and is signed by the president or speaker as provided in AS 24.25.010(a), or by the committee chair with the concurrence of the president or the speaker, and the other provisions of AS 24.25.010 are satisfied.

Once a subpoena described above is personally served on the witness is achieved by AS 24.25.020, I do not see an argument that a witness is not required to appear based on the inclusion in a subpoena of a requirement that the witness bring books, papers or documents with them to the hearing, even if the subpoenaed documents are not subject to disclosure, etc. In fact, AS 24.25.030 makes clear that a witness who fails to appear in response to a lawfully issued and served subpoena, or fails to bring the requested documents, may be arrested and held in contempt. Reading the provisions of AS 24.25, in conjunction with the strong language of the 2010 *Mason's*, it would seem extremely unlikely that a witness seeking to avoid appearing in response to a subpoena duces tecum issued by the legislature would do so based on the inclusion of a request for documents in a subpoena that might otherwise be unenforceable.

DDG:med:plm
11-018.med

Alaska State Legislature

House of Representatives



Representative Max F. Gruenberg, Jr.

House District 20

Anchorage (Mountain View, Russian Jack, East Anchorage)

House Minority Floor Leader

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Rep.Max.Gruenberg@legis.state.ak.us

Member

Standing Committees:

Judiciary

Rules

State Affairs

Transportation

TO: Members of the House

FROM: Rep. Max Gruenberg

DATE: February 9, 2011

RE: Changes in *Mason's Manual-2010 Edition*

Having reviewed Suzi Lowell's February 3, 2011 memorandum to Tom Wright and the attached side by side comparison of the 2000 edition and the 2010 edition of *Mason's*, and having looked at the 2000 edition (I don't have a copy of the 2010 edition, so I am assuming that Suzi's recitation of its provisions is accurate), I'd offer the following comments.

Sec. 502-1, which is eliminated, I believe should be retained. It is important that the underlying core principle of a quorum means "a majority of all entitled to vote." I don't understand the reason for eliminating it.

Sec. 504-2, I believe, should be retained. It is important that, once a quorum has been established for the conduct of business that legislative day, and that the roll call for a particular proposition discloses that less than a quorum voted, it should not be presumed that a quorum was not present when the vote was taken. Similarly, when it appears that a quorum was present and it does not appear from the records that a recess had taken place, it should be presumed that a quorum continued to be present. Both of these presumptions are, of course, rebuttable. These principles would be important to a reviewing court, should the legality of the measure's passage ever be litigated subsequently.

Sec. 631 (new) is extremely important and might well be cited by a court. When *Mason's* states that a witness is not limited in the scope of the testimony offered in a legislative hearing then presumably unless the presiding officer limits the testimony the witness' is free to testify freely and, more importantly, that testimony "is privileged." *Mason's* is an extremely important authoritative source, should the witness ever be sued or other legal action taken. Witnesses should be entitled to very broad constitutionally and procedurally protected free speech in the course of legislative proceedings. This was a good addition to the 2010 edition.

Sec. 739-4, new language in the 2010 edition, provides that a court can order a presiding officer to sign legislation duly passed by the body, contrary to the 2000 edition. This is important if a presiding officer refuses to do so. A presiding officer has no right to “pocket veto” legislation duly passed by the body. The 2010 edition makes this important principle clear.

Sec. 740-4. The 2000 edition provides that, when a bill has passed both houses, it is beyond the control of either house “and cannot be recalled except by the joint action of both houses.” The 2010 edition provides simply that it “may be recalled.” It does not say how—does the recall require joint action of both houses, or just one? I think it is important to state exactly how the matter can be “recalled.” If we adopt the 2010 version we should amend the uniform rules to specify whether the recall should be by one house or by joint action of both houses.

Sec. 802-5. The 2000 edition provides that a subpoena for the attendance of a witness is not vitiated (nullified) as to the witness’ attendance simply by the inclusion in the subpoena of illegal requirements for the production of documents. In other words, if a court determines that it is beyond the scope of the authority of the legislature to compel the production of certain documents, the subpoena is still valid to compel the attendance of the witness herself. The 2010 edition strikes this provision entirely. It is important that the statute governing legislative subpoenas be amended to include this requirement, if we adopt the 2010 edition. (See AS 24.25.010-.040)



ALASKA STATE LEGISLATURE HOUSE RULES COMMITTEE

REPRESENTATIVE CRAIG JOHNSON, CHAIRMAN

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MEMORANDUM

TO: House Members

FROM: Representative Craig Johnson
Chairman, House Rules Committee

DATE: February 4, 2011

RE: HCR 4 - Uniform Rules; 2010 Mason's Manual

HCR 4 proposes amending the Uniform Rules of the Alaska State Legislature to adopt the 2010 edition of "Mason's Manual of Legislative Procedure." Under HCR 4, the changes would take effect July 1, 2011.

It is my expectation that HCR 4 will be scheduled on the calendar in the near future. In preparation for that, attached for your reference is a side by side comparison of the changes between the 2000 and 2010 editions prepared by the Chief Clerk's office.

If you have any questions, please contact Debbie Higgins in my office at 465-3764.

HOUSE CONCURRENT RESOLUTION NO. 4
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Introduced: 2/4/11
Referred:

A RESOLUTION

1 **Proposing amendments to the Uniform Rules of the Alaska State Legislature providing**
2 **that the 2010 edition of "Mason's Manual of Legislative Procedure" shall implement the**
3 **rules; and providing for an effective date for the amendments.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** Rule 4, Uniform Rules of the Alaska State Legislature, is amended to read:

6 **Rule 4. Duties of the Presiding Officer.** The presiding officer of each house
7 has the duties set forth in Section 575, MASON'S MANUAL OF LEGISLATIVE
8 PROCEDURE, **2010** [2000] edition, when not inconsistent with these Uniform Rules.
9 In the absence of the regular presiding officer, the majority leader of the house serving
10 ex officio as presiding officer pro tempore shall preside; except that the regular
11 presiding officer may temporarily relinquish the chair to any member.

12 * **Sec. 2.** Rule 26, Uniform Rules of the Alaska State Legislature, is amended to read:

13 **Rule 26. Decorum in Debate.** Decorum in debate is governed by the
14 provisions of Sections 120 through 126, MASON'S MANUAL OF LEGISLATIVE
15 PROCEDURE, **2010** [2000] edition, when not inconsistent with these Uniform Rules.

1 * **Sec. 3.** Rule 55(a), Uniform Rules of the Alaska State Legislature, is amended to read:

2 (a) The rules of parliamentary practice comprised in MASON'S MANUAL
3 OF LEGISLATIVE PROCEDURE, 2010 [2000] edition, implement and govern the
4 Uniform Rules of the Legislature in all cases not covered by these Uniform Rules.

5 * **Sec. 4.** This amendments proposed by this resolution take effect July 1, 2011.



Official Business

Alaska State Legislature

House of Representatives

Office of the Chief Clerk

Thomas B. Stewart Legislative
Office Building, Room 202
Juneau, AK 99801-1182
Phone: (907) 465-3725
Fax: (907) 465-5334

MEMORANDUM

TO: Tom Wright, Senior Staff to House Majority

FROM: Suzi Lowell, Chief Clerk *SL*

DATE: February 3, 2011

SUBJECT: *Mason's Manual of Legislative Procedure*

Last year NCSL and ASLCS published the 2010 edition of *Mason's Manual of Legislative Procedure* based on review from the Mason's Manual Commission. Butch Speer, Chair of the Mason's Manual Commission from 2006 - 2010, advised that the Commission examined all of the legal citations, correcting and updating them to insure accuracy. The Commission reviewed the major parliamentary authorities - Cushings, Reeds, Hughes, Jeffersons - to discover if there were issues discussed that were absent from Mason's; additions were made based on their findings. Inconsistencies within the Manual were corrected. The 2010 *Mason's Manual of Legislative Procedure* contains more extensive cross-referencing and an updated index.

My staff and I have done a side by side comparison between the 2000 version and the 2010 version of *Mason's Manual of Legislative Procedure*. The comparison may not include all of the grammatical cleanup.

Attached is a copy of the comparison.

Attachment as noted.

Mason's Manual Comparison

Changes between 2000 and 2010 Editions

	2000 Edition	2010 Edition
Section 3 Paragraph 3 Phrase change	If not expressly or impliedly withheld ,	If not <u>withheld expressly or by implication</u> ,
Section 6 Paragraph 1 Phrase change	The constitutional rules of procedure are principally contained in the state constitutions. These rules usually provide, among other things, that each house of the legislature shall determine the rules of its proceedings; that each house shall judge...	<u>Provisions in the constitutions of the states</u> usually provide, among other things, that each house of the legislature shall determine the rules of its proceedings; that each house shall judge...
Section 20 Paragraph 1 Word change	Rules of procedure are sometimes addressed by statutes.	Rules of procedure <u>may be</u> addressed by statutes.
Section 43 Paragraph 10 Word change	... Federal Constitution <u>U.S.</u> Constitution ...
Section 47 Paragraph 2 Sentence deleted	While the basic rules ...substantially different. The more technical functions of public bodies require more technical rules and a more technical application of those rules.	While the basic rules of parliamentary law are the same, the situations under which they are applied are substantially different.
Section 82 Paragraph 2 Word change	(k) Previous questions (m) Amend an undebatable question.	(k) Previous <u>question</u> . (m) Amend a <u>nondebatable</u> question.

	2000 Edition	2010 Edition
Section 85 Paragraph 1 Word change	undebatable	<u>nondebatable</u>
Section 93 New phrase		Under certain circumstances, <u>including sickness, injury or disability, and upon leave from the presiding officer,</u> a member ...
Section 110 Paragraph 1 New sentence		1. All debate ...to the members. <u>Every member has the same right as any other member to present questions for the consideration of the house and has the same right to be heard.</u>
Section 120 Equality of Members in Debate New sentence		The rights and duties ...to all the rules of debate. <u>The language used by members during debate should be temperate, decorous and respectful.</u>
Section 121 Paragraph 2 New paragraph		Inserted new paragraph 2 and renumbered: 2. No person may indulge in personalities, impugn motives of members, use indecent or profane language, or participate in conduct that disrupts or disturbs the orderly proceedings of the body.

	2000 Edition	2010 Edition
<p>Section 122</p> <p>Procedure Under Call to Order</p> <p>New paragraph</p>		<p>Inserted new paragraphs 1 and 2 and renumbered:</p> <p>1. One of the most important duties of the presiding officer is to preserve order and decorum, by restraining members when engaged in debate within the rules of order and enforcing the rules without waiting to have the presiding officer's attention called to breaches of order.</p> <p>2. A member raising a point of order relating to disorderly words or conduct during debate should rise and address the presiding officer and say, "I rise to a point of order." The presiding officer should interrupt the proceedings. If a member is speaking, that person should immediately yield the floor, and the presiding officer should direct the member raising the point of order to state the point.</p>
<p>Section 123</p> <p>Paragraph 1</p> <p>Phrase change</p>	<p>1. No person may use indecent language with reference to the body or its members.</p>	<p>1. No person may <u>indulge in personalities, impugn motives of members, or use indecent or profane language.</u></p>
<p>Section 146</p> <p>Paragraph 6</p> <p>Word change</p>	<p>6. An assembly may</p>	<p>6. <u>A legislative body</u> may ...</p>

	2000 Edition	2010 Edition
<p>Section 148</p> <p>Communications and Petitions</p> <p>New paragraph</p>		<p>Inserted new paragraphs 2, 3 and 4 and renumbered:</p> <p>2. A petition is a written document, addressed to the legislative body in which it is to be presented, containing a title or designation of the petitioner of the subject matter to be presented, statements upon which the petitioner substantiates a claim for desired action by the legislative body, the specific request, the prayer, in which the object of the petitioner is expressed and signed by the petitioner, embodying instructions, opinions or a request to a legislative body to exercise its authority with reference to any matter either of a public or private nature. A petition should be decorous and respectful toward the body to which it is addressed as well as its individual members.</p> <p>3. When the object of a petition is for the common interest or good or for the redress of some public grievance, it is a public petition. When the object of the petition requests action of a legislative body -- usually the passing a bill -- for the particular interest or benefit of any individual petitioner, company, corporation or political subdivision, it is a private petition.</p> <p>4. A petition is presented to the body by the petitioners themselves, by a member on behalf of the petitioners or by filing the petition in the office of the legislative clerk or secretary. When a communication or petition is received, it may be acted upon as any other business.</p>
<p>Section 195</p> <p>Paragraph 2</p> <p>Phrase change</p>	<p>bringing the member in</p>	<p><u>to bringing in the member</u></p>

	2000 Edition	2010 Edition
Section 226 Paragraph 3 Sentence change	...and without waiting to be recognized, say, "I rise to a of privilege -question of privilege of the house," or "I rise to a question of personal privilege." The presiding officer should then request the member to state the question	...and without waiting to be recognized, say, "I rise to a question of privilege of the house," or "I rise to a question of personal privilege." The presiding officer should then request the member to state the question <u>of privilege</u> .
Section 232 Paragraphs 2 and 5 Word change	undebatable	<u>not debatable</u>
Section 234 Vote on Appeal Paragraph 3 New paragraph		Inserted new paragraph (taken from Section 514, paragraph 6): 3. When voting on an appeal, although the question is "Shall the decision of the president (or speaker or chair) stand as judgment of the senate (or house, or committee)," the presiding officer, who is a member, may vote, and a tie vote, even though the presiding officer's vote made it a tie, sustains the presiding officer upon the principle that the decision of the presiding officer can be reversed only by a majority.
Section 243 Word change	arise	<u>rise</u>
Section 262 Title change	Making Up the Calendar	<u>Preparation of</u> the Calendar

	2000 Edition	2010 Edition
Section 281 Title change	Right of Public Bodies to Suspend Rules	Right of <u>Legislative</u> Bodies to Suspend Rules
Section 281 Paragraphs deleted	<p>1. The right to suspend rules depends on the nature of the body and the manner in which it acquired its powers.</p> <p>4. A public body that has been given power and had duties imposed upon it is bound to exercise those powers and duties according to the conditions under which they were granted.</p> <p>6. It has been held that public bodies can adopt rules, even by a majority vote, that cannot be suspended or amended without a two-thirds vote, but it is also held by the courts that actions, taken in violation of procedural rules of parliamentary law and of adopted rules, are valid nevertheless, since failure to conform to the rules of this class suspended them by implication.</p>	Renumbered paragraphs accordingly
Section 281 Paragraph 3 (formerly paragraph 5) Word change	Provisions of the constitutions, charters or statutes that grant powers may provide how those powers may be used.	Provisions of the constitutions or statutes that grant powers may provide how those powers may be used.

	2000 Edition	2010 Edition
Section 284 Title change	Suspension of Rules by Implication	Suspension of <u>the</u> Rules by Implication
Section 285 Paragraph 3 Word change	When suspension of such rules is permitted the act must be taken in strict conformity with the rules .	When suspension of such <u>provisions</u> is permitted, the act must be taken in strict conformity with <u>that authority</u> .
Section 315 Paragraph 2 Word change	secretary	<u>chief legislative officer</u>
Section 330 Word change	undebatable	<u>nondebatable</u>

	2000 Edition	2010 Edition
<p>Section 337</p> <p>Effect of Laying Question on the Table</p> <p>Paragraph change</p>	<p>2. As sometimes used in legislative bodies under a special rule, a motion to lay on the table has the effect of final adverse disposition of the question. When this use is permitted, it has the advantage to the mover, over the question to postpone indefinitely, that it is not debatable and has a higher order of precedence.</p> <p>4. The practice of the House of Representatives of the United States and some states regarding the use of motion to lay on the table is different from that of general parliamentary law. In those bodies a motion to lay on the table is used only for the purpose of making a final unfavorable disposition of a matter.</p>	<p>Combined paragraphs 2 and 4 into paragraph 2 and renumbered:</p> <p>2. The practice of the House of Representatives of the United States and some states regarding the use of <u>the</u> motion to lay on the table is different from that of general parliamentary law. As sometimes used in <u>those</u> bodies under a special rule, a motion to lay on the table has the effect of final adverse disposition of the question.</p>
<p>Section 338</p> <p>Title change</p>	<p>Matters Adhering to Question When Laid on the Table</p>	<p>Matters Adhering to <u>Main</u> Question When Laid on the Table</p>
<p>Section 338</p> <p>Paragraph 2</p> <p>Sentence deleted</p>	<p>A motion to amend can be laid on the table by itself without carrying the main motion with it.</p>	

	2000 Edition	2010 Edition
<p>Section 345</p> <p>Use of the Previous Question</p> <p>Paragraph 3</p> <p>New paragraph</p>		<p>Inserted new paragraph 3 and renumbered:</p> <p>3. The previous question may be demanded and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments or be made to embrace all authorized motions or amendments.</p>
<p>Section 349</p> <p>Paragraph 1</p> <p>Word change</p>	<u>undebatable</u>	<u>not debatable</u>
<p>Section 351</p> <p>Effect of the Previous Question</p> <p>Paragraph 3</p> <p>New paragraph</p>		<p>Inserted new paragraph 3 and renumbered:</p> <p>3. Whenever the house votes in the negative on a motion for the previous question, the consideration of the subject is resumed as if the motion for the previous question had never been made.</p>
<p>Section 351</p> <p>Paragraph 4 (formerly paragraph 3)</p> <p>Word change</p>	<u>undebatable</u>	<u>not debatable</u>

	2000 Edition	2010 Edition
Section 355 Word change	...and which are subject to the same rules...	...and are subject to the same rules...
Section 358 Paragraph 1 Word change	undebatable	<u>not debatable</u>
Section 382(c) Phrase change	If the bill may be reported back by the committee to which it was referred with the recommendation that it be re-referred to the appropriate committee.	<u>Upon report from</u> the committee to which it was referred with the recommendation that it be re-referred to the appropriate committee.
Section 385 Word change	...is reached on calendar and is before the house.	...is reached on <u>the</u> calendar and is before the house.
Section 387 Paragraph 3 Sentence change	If adopted, they will carry with them the question or measure to which the amendments were proposed.	...; if this <u>motion is</u> adopted, <u>the referred amendments</u> will carry with them the question or measure to which the amendments were proposed.
Section 412 Title change	Amendments Striking Out and Inserting Words	<u>Amendment by</u> Striking Out and Inserting Words

	2000 Edition	2010 Edition
Section 415 Paragraph 1 Paragraph change	1. When the matter continued in two propositions might be better put into one, the proper procedure is to reject one and to incorporate its provisions into the other by amendment. When the provisions would be better distributed into propositions, any part of the bill may be struck out by amendment, and put into a new proposition. When a measure is being considered by sections, a substitute for the entire measure cannot be moved until the sections have all been considered and the presiding officer has announced that the proposition is open to amendment. Even though an entire measure is substituted for another, it is necessary afterwards to vote on adopting the measure. Substitution is only a form of amendment and may be used, as long as germane, whenever amendments are in order.	Divided paragraph 1 into two paragraphs and renumbered. Last sentence of paragraph 1 became first sentence of new paragraph 2. 1. When the matter continued in two propositions might be better put into one, the proper procedure is to reject one and to incorporate its provisions into the other by amendment. When the provisions would be better distributed into propositions, any part of the bill may be struck out by amendment and put into a new proposition. 2. Substitution is only a form of amendment and may be used, as long as germane, whenever amendments are in order. When a measure is being considered by sections, a substitute for the entire measure cannot be moved until the sections have all been considered and the presiding officer has announced that the proposition is open to amendment. Even though an entire measure is substituted for another, it is necessary afterwards to vote on adopting the measure.
Section 416 Paragraph 5 Word change	...until one of the number to be selected receives a majority vote.	...until one of the numbers to be selected receives a majority vote.
Section 441 Paragraph 3 Word change	...are the motion to reconsider, to rescind and to take from the table.	...are the motions to reconsider, to rescind and to take from the table.

	2000 Edition	2010 Edition
Section 453 Election or Confirmation of Officers Paragraph 1 Sentence deleted	The following are instances of court decisions involving the election or confirmation of officers.	
Section 453 Paragraph 7 Phrase change	provide specifically	<u>specifically provide</u>
Section 461 Paragraph 3 Word change	The rules frequently prohibit the making of a motion to reconsider on the last day of a legislative session.	The rules frequently prohibit making a motion to reconsider on the last day of a legislative session.
Section 465 Form of Motion to Reconsider Paragraph 4 Word change	...to call up for consideration a motion to reconsider, which was previously made, the member may...	...to call up for consideration a motion to reconsider <u>that</u> was previously made <u>or noticed</u> , the member may...

	2000 Edition	2010 Edition
Section 467 Paragraph 5 Word change	minutes	<u>record</u>
Section 471 Paragraph 1 Word change	undebatable	<u>not debatable</u>
Section 481 Paragraph 1 Sentence deleted	Instances that have been decided by the courts are stated below.	
Section 490 Paragraph 1 Word/phrase change	Deliberative bodies make frequent use of motions in conducting their business which rank in the class of main motions.	<u>Legislative</u> bodies make frequent use of motions <u>that</u> rank in the class of main motions.
Section 491 Paragraph 3 Word change	amendment	<u>amend</u>
Section 492 Paragraph 6 Phrase change	It requires for adoption a majority of the legal votes cast.	It requires a majority of the legal votes cast <u>for adoption</u> .

	2000 Edition	2010 Edition
<p>Section 502</p> <p>Who May Be Counted in Determining a Quorum</p> <p>Paragraph deleted</p>	<p>1. Ordinarily, a "quorum" means a majority of all entitled to vote.</p>	<p>Renumbered paragraphs accordingly</p>
<p>Section 502 Paragraph 1 (formerly paragraph 2)</p> <p>Word change</p>	<p>In determining a quorum, persons who are not, at the particular time, regularly qualified members of the body should not be counted.</p>	<p>In determining a quorum, persons who are not, at the particular time, qualified members of the body should not be counted.</p>
<p>Section 504</p> <p>Question of No Quorum</p> <p>Paragraph 1</p> <p>Phrase added</p>	<p>...or the lack of a quorum is disclosed by a vote.</p>	<p>...or the lack of a quorum is disclosed by a vote <u>as recorded in the journal.</u></p>
<p>Section 504 Paragraph 2</p> <p>Paragraph deleted</p>	<p>2. Where a roll call shows that there was a quorum for the transaction of business, but the roll call on a particular proposition discloses that less than a quorum voted, it will not be presumed that a quorum was not present at the time the vote was taken. When it appears that a quorum is present, and it does not appear from the records that a recess has taken place, it will be presumed that a quorum continued to be present.</p>	<p>Renumbered paragraphs accordingly</p>

	2000 Edition	2010 Edition
Section 510 Paragraph 1 Word change	...unless a larger vote is required by a constitution, charter , or controlling provision of law.	...unless a larger vote is required by a constitution or controlling provision of law.
Section 510 Paragraph 4 Word change	an assembly	<u>a legislative body</u>
Section 511 Paragraph 1 Word change	Where a constitution, charter , or controlling provision of law requires a majority vote...	Where a constitution or controlling provision of law requires a majority vote...
Section 512 Paragraph 1 Word change	When a two-thirds vote is required for any purpose by a constitution or charter or controlling provision of law...	When a two-thirds vote is required for any purpose by a constitution or controlling provision of law...
Section 512 Paragraph 4 Word change	Where a constitution, charter , or controlling provision of law requires a two-thirds vote...	Where a constitution or controlling provision of law requires a two-thirds vote...

	2000 Edition	2010 Edition
Section 514 When a Casting Vote Is in Order Paragraph 3 Sentence change	, but also gives that member a second vote as presiding officer in case of a tie.	<u>On rare occasions, the casting vote has been given to a presiding officer who is a regular member who may first vote as a member and then may vote again to break a tie.</u>
Section 514 Paragraph 5 Phrase change	When giving a casting vote, the presiding officer should definitely cast a vote.	<u>Where the presiding officer gives a casting vote, the presiding officer should definitely cast a vote.</u>
Section 514 Paragraph 6 Paragraph moved	Moved to Section 234 (Vote on Appeal), paragraph 3: 6. When voting on an appeal, although the question is "Shall the decision of the president (or speaker or chair) stand as judgment of the senate (or house, or committee)," the presiding officer, who is a member, may vote, and a tie vote, even though the presiding officer's vote made it a tie, sustains the presiding officer upon the principle that the decision of the presiding officer can be reversed only by a majority.	

	2000 Edition	2010 Edition
<p>Section 517</p> <p>Action Must Be Within Power or Vote Is Ineffective</p> <p>Paragraph 1</p> <p>Word change</p>	<p>Constitution of the United States</p>	<p><u>U.S. Constitution</u></p>
<p>Section 517</p> <p>Paragraph 2</p> <p>Word change</p>	<p>2. No rule that conflicts with a rule of a higher order is of any authority. Thus, a legislative rule providing for the suspension, by general consent, of an article of the Constitution would be null and void.</p>	<p>2. <u>A</u> rule that conflicts with a rule of a higher order is <u>not valid</u>. Thus, a legislative rule providing for the suspension, by general consent, of an article of the <u>constitution</u> would be null and void.</p>
<p>Section 523</p> <p>Paragraph 1</p> <p>Word change</p>	<p>undebatable</p>	<p><u>not debatable</u></p>
<p>Section 525</p> <p>Paragraph 1</p> <p>Word change</p>	<p>In announcing the vote, the presiding officer should first state the vote and then announce the result...</p>	<p>In announcing the vote, the presiding officer should first state the vote, then announce the result...</p>

	2000 Edition	2010 Edition
Section 530 Manner in Which Votes May Be Taken Paragraph 2 Word change	2. When a vote is required by a constitution, charter or controlling statute to be taken in a particular manner, it must be taken in that manner.	2. When a vote is required by a constitution or controlling <u>provision of law</u> to be taken in a particular manner, it must be taken in that manner.
Section 530 Paragraph 3 Word change	...in the constitution, controlling provision of law or the rules of each house will govern.	...in the constitution, <u>a</u> controlling provision of law or the rules of each house will govern.
Section 532 Voice Vote or Viva Voce Vote Paragraph 7 Sentence change	...by having the members voting in the negative rise and be counted as indicated under "voting by division," Sec. 533.	...by having the members voting in the negative rise and be counted.
Section 535 Paragraph 6 Word change	arise	<u>rise</u>
Section 535 Paragraph 7 Paragraph 9 Word change	Upon the completion of... Upon the announcement of...	Upon completion of... Upon announcement of...

	2000 Edition	2010 Edition
Section 537 Paragraph 1 New paragraph		<p>Inserted new paragraph 1 and renumbered:</p> <p>1. The theory underlying the unanimous consent request is that it suspends all rules that would prevent carrying the request into full effect if it is granted by the house. The request should be stated precisely and clearly and without an effort to deceive or mislead the body.</p>
Section 556 Paragraph 4 Word change	The assumption that a member of a legislative body is no longer eligible to office...	The assumption that a member of a legislative body is no longer eligible to <u>hold</u> office...
Chapter 50 Title change	Election and Qualification of Members and Discipline and Expulsion of Members	Election, <u>Certification</u> and Qualification of Members, and Discipline and Expulsion of Members
Chapter 50 Section 559 New section		<p>Inserted new section:</p> <p>Sec. 559. Evidence of Election of Membership</p> <p>1. The chief election officer of the state, usually the Secretary of State, issues certificates of election.</p> <p>2. At the time of the organization of a house, members-elect who have evidence of their elections present themselves to be seated as members.</p> <p>3. The right to assume the functions of a member, and to participate in the preliminary proceedings and organization, depends wholly and exclusively upon the election returns or certificate of election.</p>

	2000 Edition	2010 Edition
Section 560 Title change	Each House of a Legislature Is the Judge of the Election and Qualification of Its Members	Each House of a Legislature Is the Judge of the Election and Qualifications of Its Members
Section 560 New paragraphs		<p>Inserted new paragraphs 1 and 2 and renumbered:</p> <ol style="list-style-type: none"> 1. The right of a member-elect to take the oath may be challenged. Such a challenge usually occurs at the time of the organization of a legislative body. Motions and debate are in order on the questions involved in a challenge, and other business may intervene by unanimous consent. 2. In the states, the preliminary steps, as well as any subsequent proceedings, of the state legislatures are more or less analogous to the corresponding proceedings of the House of Commons. According to practice, the members elected make their appearance at the time and place appointed and proceed to organize themselves as a legislative body, in the manner regulated by state constitutional provision, adopted rules, custom and traditions, and state statute.
Section 560 Paragraph 4 (formerly paragraph 2) Word change	...each branch of a state legislature...	...each <u>house</u> of a state legislature...

	2000 Edition	2010 Edition
<p>Section 560</p> <p>New paragraphs</p>		<p>Inserted new paragraphs 8, 9, and 10 and renumbered:</p> <p>8. The right to assume the functions of a member, and to participate in the preliminary proceedings and organization, depends wholly and exclusively upon the election returns or certificate of elections.</p> <p>9. The members of a legislative assembly, having taken the oath necessary to qualify them to discharge the functions of members, are all precisely equal among themselves and have an equal right to participate in all the proceedings of the assembly, so long as their election is not set aside or until they cease to be members of the assembly.</p> <p>10. Notwithstanding a member's right to participate, practices in some of the states require a member to be recused from participating in a question involving the right of that member to a seat.</p>
<p>Section 561</p> <p>Power of Legislatures to Discipline Members</p> <p>Paragraph 1</p> <p>Paragraph deleted</p>	<p>1. Whatever is spoken in the house is subject to the censure of the house, and offenses of this kind have been severely punished by calling the person to the bar to make submission, committing the person to prison, expelling the person from the house or inflicting other punishment.</p>	<p>Renumbered paragraphs accordingly</p>

	2000 Edition	2010 Edition
Section 561 Paragraph 1 (formerly paragraph 2) Sentence change	...and may discipline a member as it deems appropriate.	...and may discipline a member as it deems appropriate, <u>including reprimand, censure or expulsion.</u>
Section 561 New paragraphs		Inserted new paragraphs 2 and 3 and renumbered: 2. A state legislative body possesses inherent powers of self-protection. 3. Whatever is spoken in the house is subject to the censure of the house.
Section 561 Paragraph 4 (formerly paragraph 3) Phrase change	...is in contempt...	... <u>may be found to be</u> in contempt...
Section 562 Paragraph 7 Phrase/word changes	A house having expelled members... Fourteenth Federal Constitution	<u>When a house has expelled a member...</u> <u>14th</u> <u>U.S.</u> Constitution
Section 562 Paragraph 8 Word change	...in violation of the state or Federal constitutions.	...in violation of state or federal constitutions.

	2000 Edition	2010 Edition
Section 575 Paragraph 3 Word change	When a presiding officer is required to sign a bill to authenticate its passage, the act of signing is simply ministerial ...	When a presiding officer is required to sign a bill to authenticate its passage, the act of signing is ministerial ...
Section 576 Paragraph 4 Paragraph deleted	4. When there has been no provision for a clerk or secretary to keep the minutes of the proceedings, the presiding officer may appoint someone to act as clerk or secretary. The fact that the person who presides at a meeting also acts as its clerk does not invalidate the proceedings.	
Section 581 Paragraph 1 Word deleted	... a new presiding officer pro tempore elected and qualified	... a new presiding officer elected and qualified
Section 582 Paragraph 5 Sentence change	When not a member of a legislative body, the presiding officer may vote only as authorized by the constitution, which usually gives the presiding officer a vote in the senate in case of a tie.	When not a member of <u>the</u> body, the presiding officer <u>can cast a vote only when expressly authorized to do so.</u>
Section 584 Paragraph 10 Word change	which	<u>that</u>

	2000 Edition	2010 Edition
Section 600 Paragraph 3 Word change	... purpose of the committee; the number purpose of the committee <u>and</u> the number ...
Chapter 57 Committee Meetings Section 631 New section		<p>Inserted new section:</p> <p>Sec. 631. Speech to a Committee; Privileged Citizen participation in legislative proceedings is vital to ensure a fully informed and representative legislature. When acting in the narrow role of a participant in a legislative committee hearing, a witness is not limited in the scope of the testimony offered, that testimony being presented in accord with the rules and practices of the legislature and its committees. Speech to a legislature is privileged, insulating the witness from legal action.</p>
Chapter 59 Special Committees Section 639 New section		<p>Inserted new section:</p> <p>Sec. 639. Definition of Special Committee In legislative assemblies, several kinds of committees are used, such as standing, conference and special committees. Standing committees are appointed for the life of the body, and conference committees are appointed to settle differences that may arise between the two bodies.</p> <p>A special committee is created for the consideration of special measures or matters or the performance of special functions, as the nature of legislative business may demand. Special committees also may be named ad hoc, investigating, select or study committees.</p>

	2000 Edition	2010 Edition
Section 640 Title change New Paragraph	Membership of Special Committees	<u>Creation and Membership of Special Committees</u> Insert new paragraph 1 and renumbered: 1. Special committees may be created by resolution or motion of the body or upon order by the presiding officer or other appointing authority. The resolution, motion or order creating a special committee shall specify the subject matter of the special committee, the number of members to be appointed thereto, the mode in which the committee shall be appointed and the time of its appointment. The resolution, motion or order also may specify a reporting date during the term.
Section 640 Paragraph 2 (formerly paragraph 1) Phrase change	A committee for action carries out a particular task already decided . As a matter of policy, a committee for action should be small and consist only of those in favor of the proposed action, and if one not at sympathy is appointed, that person should ask to be released .	A committee for action carries out a particular task. As a matter of policy, a committee for action should be small and <u>be composed of members who are predisposed to complete the task</u> .
Section 643 Paragraph 2 Word deleted	...referred to special or select committees.	...referred to special committees

	2000 Edition	2010 Edition
Section 645 Paragraph 1 Paragraph change	1. When a special committee is appointed, it continues to exist until the purpose assigned to it has been fulfilled, unless sooner discharged. When the final or complete report of a special or select committee has been received by the house, the committee is thereby dissolved or ceases to exist without any motion to that effect being made. When the report is only partial, the committee is not discharged until the final report is received.	1. When a special committee is appointed, it continues to exist until the purpose assigned to it has been fulfilled. <u>A special committee ceases to exist:</u> <ul style="list-style-type: none"> <u>(a) When its final report has been made;</u> <u>(b) When the objective for which the committee was established has been accomplished;</u> <u>(c) When the termination date established by the action creating the committee has arrived;</u> <u>(d) When discharged; or</u> <u>(e) At the end of the term of a legislative body.</u> <u>When the final or complete report of a special committee has been received by the house, the committee is thereby dissolved or ceases to exist without any motion to that effect being made. When the report is only partial, the committee is not discharged until the final report is received.</u> <u>If additional work is delegated to a special committee, the committee continues until the new assignment is completed.</u>
Section 645 Paragraph 3 Word change	A special or select committee ...	A special committee ...
Section 695 Paragraph 2 Phrase change	The journal ... It should record all procedural motions such as: the recess, to lay on the table and to postpone; and the action taken on them, the same as upon bills or other main motions.	The journal ... It should record all procedural motions, <u>main motions, legislation and all actions taken.</u>

	2000 Edition	2010 Edition
<p>Section 697</p> <p>Journal as Showing Passage and Legality of Bills</p> <p>Paragraph 2</p> <p>Phrase added</p>	<p>2. Any act of the legislature that has been properly enrolled, authenticated by the signatures of the proper officers of both houses and signed by the governor is conclusive evidence as to the act and of its passage, which will not be impeached by resort to outside evidence of any sort.</p>	<p>2. Any act of the legislature that has been properly enrolled, authenticated by the signatures of the proper officers of both houses and signed by the governor is conclusive evidence as to the act and of its passage, which will not be impeached by resort to outside evidence of any sort <u>unless allowed or authorized by the state constitution.</u></p>
<p>Section 702</p> <p>Paragraph 1</p> <p>Phrase change</p>	<p>The enrolled bill is a copy of the bill in the form it has passed both houses ...</p>	<p>The enrolled bill is <u>the final version</u> of a bill in the form passed <u>by</u> both houses ...</p>
<p>Section 702</p> <p>The Enrolled Bill</p> <p>Paragraph 2</p> <p>Paragraph change</p>	<p>2. Under the "enrolled bill rule," an enrolled bill, properly authenticated and approved by the governor, is conclusive as to regularity of its enactment. Ordinarily, the courts will not go behind the enrolled bill to determine its validity. The supreme court can look behind the enrolled bill only to determine whether the constitutional mandate relative to vote and journal entry upon the final passage have been complied with.</p>	<p>2. <u>Any act of the legislature that has been properly enrolled, authenticated by the signatures of the proper officers of both houses and signed by the governor is conclusive evidence as to the act and of its passage, which will not be impeached by resort to outside evidence of any sort unless allowed or authorized by the state constitution.</u></p>
<p>Section 721</p> <p>Paragraph 1</p> <p>Phrase change</p>	<p>The constitutions of many of the states provide ...</p>	<p><u>Many state constitutions</u> provide ...</p>

	2000 Edition	2010 Edition
Section 723 Paragraph 1 Phrase deleted	Where the constitution or controlling statutory provision does not ...	Where the constitution does not ...
Section 723 Paragraph 6 Word change	act	<u>bill</u>
Section 726 Sections renumbered	Sec. 726. Introduction of Legislation Sec. 727. Withdrawal of Bills Sec. 728. Bill Numbers Sec. 729. Titles to Legislation	Sec. 725. Introduction of Legislation Sec. 726. Withdrawal of Bills Sec. 727. Bill Numbers Sec. 728. Titles to Legislation
Chapter 68 Procedure on Consideration of Legislation Section 729 New section added		Inserted new section: Sec. 729. Enacting Clauses The enacting clause, which also may be called the enacting authority or enacting style, follows immediately after a bill's preamble or title and precedes the body of the bill. It is a statement of the words declaring enactment by the proper legislative authority which every bill must contain and which are requisite to the validity of a law. The usual introductory formula is "Be it enacted by ..."
Section 731 Paragraph 1 Phrase change	It is competent for the legislature to correct ...	<u>A legislature may correct ...</u>

	2000 Edition	2010 Edition
Section 738 Paragraph 1 Sentence change	An enrolled bill, in legislative parlance, is a reproduction or copy of the identical bill passed by both houses.	<u>The enrolled bill is the final version of a bill in the form passed by both houses, which has been proofed and corrected, usually, under the direction of the chief legislative officers.</u>
Section 738 Paragraph 4 Sentence change	... A bill presented to the governor in a form different from that in which it was passed, if the change is material, is void even if signed. Correction of purely typographical errors or errors in form only apparently will not invalidate legislation.	<u>... When an error in the enrolled bill is discovered after adjournment sine die, but prior to the governor's approval, the house of origin should correct the enrolled bill and have the bill signed by the appropriate legislative officers and laid before the governor for approval.</u>
Section 738 Paragraph 5 Phrase deleted	... the enrolled bill being merely a reproduction thereof and the act not being impaired by additions, omissions or misprisions of the enrolling clerk in copying the bill.	
Section 739 Paragraph 3 Words change	... the signature of an assistant, acting in the capacity of the principal,	<u>... the signature of a duly qualified designee, acting in the absence of the principal officer, ...</u>
Section 739 Paragraph 4 Phrase change	The duty of the presiding officer to sign legislation, properly passed by the body over which that person presides, is a legislative act and not a ministerial one, and a writ of mandate or an injunction will not lie to compel the presiding officer to sign or to restrain that person from signing legislation. deposed ...	<u>The duty of the presiding officer to sign legislation, properly passed by the body over which that person presides, is a legislative act. A writ of mandamus will lie to compel the presiding officer to sign. ...</u> ... <u>removed</u>

	2000 Edition	2010 Edition
Section 740 Paragraph 4 Phrase deleted	When a bill has passed both branches of the legislature ... beyond the control of either house and cannot be recalled except by the joint action of both houses.	When a bill has passed <u>the legislature</u> ... beyond the control of either house. <u>However, it may be recalled.</u>
Section 754 Paragraph 3 Sentences added	When legislation is approved by the governor, it is signed and transmitted to the secretary of state.	When legislation is approved by the governor, it is signed and transmitted to the secretary of state. <u>Once the governor deposits an approved and signed bill in the office of the secretary of state, the bill passes beyond the governor's control. The governor has no power thereafter to recall the bill from the secretary of state, disapprove it, and return the bill and its veto to the secretary of state.</u>
Section 754 Paragraph 10 Sentence change	10. When legislation is passed so late in the session that the session ends prior to the expiration of the time the governor is given to act on bills, the governor has the power to withhold action on the bill and let it die from failure to approve it. This is called the pocket veto.	10. <u>Some states allow for what is known as a "pocket veto." In those states, once the legislative session has adjourned, a bill dies if not signed by the governor within the specified number of days required for executive action.</u>
Section 758 Paragraph 3 Sentence change	Courts have held that to veto administrative regulations by any means short of passage by both chambers and presentment to the governor is unconstitutional. In four states, legislative veto of regulations by other means is specifically authorized by the state constitution.	<u>Unless specifically authorized by state constitution, legislative veto of administrative regulations by any means short of passage by both chambers and presentment to the governor is unconstitutional.</u>
Section 766, Paragraph 7 Phrase deleted	... are not in order during the consideration of concurrence in the amendments of the opposite house.	...are not in order.

	2000 Edition	2010 Edition
Section 768 Paragraph 5 Word change	... and the motion to adhere takes precedence over the motion to insist and the motion to <u>insist</u> takes precedence over the motion to <u>adhere</u> .
Section 769 Paragraphs 1 & 3 Section 771 Paragraphs 4-6 Word change	... committee on conference committee <u>of</u> conference
Section 780 Paragraph 8 Phrase added	... revoked by the governor or the governor's successor and, when revoked, the legislature is without authority to act.	... revoked by the governor or the governor's successor <u>prior to the special session's convening</u> and, when revoked, the legislature is without authority to act.
Section 780 Paragraph 15 Word deleted	Some state constitutions ...	State constitutions ...
Section 781 Paragraph 1 Phrase change	... except in a manner provided by law, and an adjournment from day to day can have no other effect than to enable those present to determine whether a quorum is present.	... except in <u>the regular legal manner, and an adjournment from day to day cannot have that effect.</u>

	2000 Edition	2010 Edition
Section 781 Paragraph 5 Phrase change	Committee meetings are also an integral part of a legislative session and are held on an almost daily basis during the session. Days on which committee meetings only are held are also considered legislative days in many states...	Committee meetings are also an integral part of a legislative session, <u>and days on which committee meetings only are held are also considered legislative days in many states...</u>
Section 798 Paragraph 2 Word change	trenching	<u>infringing</u>
Section 800 Paragraph 4 Word change	Witnesses before a legislative body or its committee need not be sworn, unless there is some provision ...	Witnesses before a legislative body or its committee need not be sworn, unless there is some <u>rule or provision</u> ...
Section 800 Paragraph 5 Word change	question be	question <u>is</u>
Section 802 Paragraph 2 Sentence change	2. The law may make it a penal offense for a person to fail to appear before a legislative committee on process, regular on its face, issued by the chair of the committee under general authority conferred upon the chair by the committee, either expressly or by parliamentary usage, either with or without specific authority in the particular case.	2. The law may <u>provide for a penal offense for a person who fails to appear before a legislative committee pursuant to a summons or subpoena issued by the appropriate legislative authority.</u>

	2000 Edition	2010 Edition
Section 802 Deleted Paragraphs 4-5	<p>4. A summons by the committee ordering a witness to appear before a joint committee of the two houses may only be authenticated by procedures specified.</p> <p>5. A subpoena for attendance of a witness is not vitiated as to the necessity of the attendance of a witness by the inclusion of illegal requirements for the production of documents.</p>	Renumbered paragraphs accordingly
Section 803 Deleted Paragraphs 3-5	<p>3. Unless authorized by the constitution, neither house of the legislature can lawfully appoint by single house resolution a committee with power to sit after adjournment sine die.</p> <p>4. A fact-finding committee that was appointed by a single house resolution during a regular session of the legislature has no legal authority to sit after the adjournment of the legislature sine die.</p> <p>5. The fact that interim committees had been appointed by single house resolutions and had theretofore carried on without objection was not determinative of whether the legislature, by single house finding committee with power to function after adjournment sine die.</p>	
Section 805 Title Change	Maintaining Order in Public Bodies	Maintaining Order in <u>Legislative</u> Bodies

	2000 Edition	2010 Edition
Section 805 Paragraph 1		Inserted new paragraph 1 (taken from first half of paragraph 4) and renumbered: 1. A state legislative body possesses inherent powers of self-protection.
Section 805 Paragraph 2 (formerly paragraph 1) Paragraph 4 (formerly paragraph 3) Word change	public body	<u>legislative</u> body
Section 805 Paragraph 4 Paragraph change	4. A state legislative body possesses inherent powers of self-protection, including defining the terms for the qualifications of its members and for the expulsion of members	First half (through "self-protection") of paragraph 4 became new paragraph 1. Second half of paragraph deleted.
Section 806 Paragraph 3 Word change	him	<u>the protestor</u>

	2000 Edition	2010 Edition
Section 806 Paragraph 4 Paragraph deleted	4. A "bill of attainder" and a "bill of pains and penalties" are the same in nature, a special act of the legislature inflecting punishment upon a person supposed to be guilty of a severe offense without trial or conviction in the course of judicial proceedings. The penalty in "bill of attainder" is death and in a "bill of pains and penalties" is a milder degree of punishment less than death.	