

ALASKA
STATE LEGISLATURE

LEGISLATIVE COUNCIL

BOX 2199-JUNEAU

December 14, 1962

MEMORANDUM

SUBJECT: Revision of the Uniform Rules of the Legislature

TO: Members of the Third State Legislature

Enclosed you will find the completed revision of the Uniform Rules of the Legislature accomplished by the Legislative Council at the direction of the Legislature.

The revision includes formal and substantive changes made to the rules used by the Second State Legislature. The formal revision included a more logical rearrangement of materials, elimination of inconsistencies, and correction of errors in form and fact. The substantive revision was directed at resolving some of the deficiencies of the old rules and resolved some problems and effected many improvements by considering and acting on recommendations for change submitted by members of the Legislature.

According to the directive from the Legislature, the Legislative Council will submit the revised Uniform Rules to the Third State Legislature at the time it convenes so that the revision may be adopted as the Legislature's temporary rules until the Rules Committees and the members of both houses have an opportunity to review the rules and recommend any changes before permanent rules are adopted in joint session. It is planned to ask the temporary presiding officers to move the adoption of the Revised Uniform Rules as the temporary rules before each house proceeds with the election of a permanent presiding officer and other organizational action.

If you wish you may retain this copy at home. Additional copies will be available for you when you arrive at Juneau.



John C. Doyle
Executive Director

JCD:vd
Encl.

UNIFORM RULES

ALASKA STATE LEGISLATURE

This revision of the Uniform Rules of the Alaska State Legislature is presented to the Third State Legislature for adoption as the temporary rules of the Legislature pursuant to provisions of Senate Concurrent Resolution No. 31 (1962) pending their review by the Third Legislature and subsequent adoption as the permanent rules.

ORGANIZATION OF FIRST SESSION

RULE 1. a. At the time for convening of the first regular session of a legislature the Secretary of State calls each house to order separately and calls the roll of members whose election has been certified. He then administers the oath of office to the new members and, pending the election of temporary presiding officers, preserves order and decorum in the house.

b. When the house by a majority of the full membership vote selects a temporary presiding officer he assumes the chair and the Secretary of State withdraws. The chair then calls for nominations for a permanent presiding officer and the nominee receiving a majority of the votes of the full membership assumes the chair for the two year duration of the legislature.

c. Pending the organization of the house a secretary assigned by the Legislative Council assists the Secretary of State and the temporary and permanent presiding officers in the performance of their duties.

d. The Uniform Rules of the Legislature of the previous regular session or any authorized revision of those rules are used as the temporary rules until the Rules Committee reports on and the legislature in joint session adopts permanent uniform rules.

e. The presiding officer shall announce at an early moment the appointment of a Committee on Committees consisting of himself as chairman and four other members representing the four major senate districts. The committee is responsible for nominating the chairmen and members of the standing committees as set forth in Rule 22 to serve for the two-year duration of the legislature. The membership of each committee shall total to an uneven number and the minority party is entitled to at least one seat on each standing committee. The report of the Committee on Committees is subject to approval by a majority vote of the full membership of the house.

ORGANIZATION OF SECOND SESSION

RULE 2. The presiding officer of the house during the first regular session presides at the convening of the second regular session or any special session and administers the oath to any new members. In the absence of the regular presiding officer the majority leader of the house serving ex officio as presiding officer pro tempore shall preside.

SELECTION OF TEMPORARY EMPLOYEES

RULE 3. The temporary employees of each house are selected in the following manner:

1. The Rules Committee reviews the report of the Legislative Council on applications for temporary positions in its house and nominates from the list of qualified applicants a Chief Clerk or Senate Secretary, as appropriate;

2. Each house elects by majority vote of its full membership the Chief Clerk or Senate Secretary to serve for the two-year duration of the legislature but subject to the pleasure of the house;

3. The Rules Committee in consultation with the Chief Clerk or Senate Secretary selects the clerical staff, sergeant at arms, messengers and door-man of the house;

4. The Rules Committee selects the chaplains or a sequence of chaplains;

5. The Legislative Council as the administrative service agency of the Legislature is responsible in coordination with the chairmen of the Rules Committees for the selection and supervision of the temporary employees assigned to the centralized duplicating, distributing and mailing services.

DUTIES OF THE PRESIDING OFFICER

RULE 4. The presiding officer of each house has the duties set forth in Section 575, Mason's Manual of Legislative Procedure, when not inconsistent with these uniform rules.

CHIEF CLERK AND SENATE SECRETARY

RULE 5. a. The Chief Clerk of the House and the Secretary of the Senate prepare and certify the daily journal; certify, authenticate, and transmit all legislative documents and records; keep in safe custody all documents, records and papers in possession of the house; supervise under the direction of the chairman of the Rules Committee the temporary employees of the house; undertake assignments ordered by the presiding officer; and when the Legislature is not in session at the direction of the Legislative Council.

b. The Chief Clerk and Senate Secretary are paid at the statutory daily rate for each day of the session and for the actual days or fractions of days worked before or after a session.

TEMPORARY EMPLOYEES

RULE 6. Temporary employees other than the Chief Clerk and Senate Secretary are employed only for the duration of the session. Temporary employees are subject to assignment or reassignment by their supervisor as the work of the house or Legislature may require. They are subject to dismissal without notice if the Rules Committee finds them to have been intoxicated on the job, persistently absent without excuse, improperly performing duties, or attempting to influence legislation. Compensation for temporary employees is determined by statute and payment is made for each full day, or if less or more than a full day, at a proportionate rate according to the time report submitted by their supervisor.

ADMINISTRATIVE SERVICES

RULE 7. The Legislative Council is responsible for providing administrative services necessary to the operation of the Legislature. An administrative assistant has general supervision of the central fiscal, procurement, duplicating, distribution and mailing services. Official documents and items are duplicated only when submitted with a work order signed by a presiding officer, committee chairman, or the chief clerk or senate secretary, or their authorized representatives. No requests for the duplication of personal or unauthorized items or items not accompanied by a work order signed by an authorized person may be accepted. The fiscal officer is responsible for the preparation of payroll, personnel and purchase documents and the immediate supervision of the distribution and mailing services.

EXPENDITURES

RULE 8. The annual budget for all legislative expenses is prepared by the Legislative Council and submitted to the Joint Finance Committee. No legislator or employee may spend or obligate legislative money without the documents required by regulation from the legislative fiscal and certifying officers. No member may spend or obligate state funds for or on behalf of any committee unless authorized by the chairman of the committee with the approval of the presiding officer of the house within the limits of available funds.

COMMUNICATIONS

RULE 9. Communications received by a house from the other house or the Governor are read by the clerk or secretary and spread upon or paraphrased in the journal. All other official communications to a house are referred directly by the clerk or secretary to the presiding officer for his referral to a committee or to file. The presiding officer may direct that the receipt of a communication and the subject to which it relates be noted in the journal.

PERSONAL PRIVILEGE

RULE 10. A member may request of the chair and receive, with the unanimous consent of the members present, the personal privilege of the floor to introduce guests or voice a personal opinion, but the request for the privilege and the substance of his remarks are not recorded in the journal.

JOURNAL

RULE 11. The journal of each house reports only the essential items of daily business: roll call votes, major motions, communications from the Governor and the other house, brief or summary committee reports, and amendments. Detailed committee reports, exhibits, and miscellaneous communications ordered spread upon the journal by the presiding officer or the house shall be published in a supplement to the daily journal. The daily journal is to be prepared by the chief clerk or secretary in conformity with the legislative drafting manual and distributed to each member of the Legislature on the following legislative day. Matter may be expunged from the journal with the approval of a majority of the house if the motion to expunge is adopted prior to the end of the legislative day on which the journal report is approved.

DRAFTING MANUAL

RULE 12. The legislative drafting manual prepared and adopted by the Legislative Council is to be followed by all officers and employees of the legislature in the preparation, processing, and disposition of all legislative documents and records.

ADMISSION TO FLOOR

RULE 13. No person not a member of the house is permitted on the floor of the house chamber while the house is sitting or in brief recess unless he is a member of the other house or an officer or an employee authorized to be present by the presiding officer. The presiding officer may extend the privilege of the floor to former legislators and distinguished visitors for the day but not for the purpose of discussion and debate. No one but a member of the Legislature may advocate or oppose passage of a bill or resolution in the chamber of the house while the house is in session.

USE OF CHAMBERS AND OFFICES

RULE 14. The chambers and offices assigned to the Legislature are to be used only for the official business of the Legislature during legislative sessions. During the session access to the chambers and their galleries and legislative offices is under the control of the presiding officer of the house to which the space is assigned.

HOUR FOR CONVENING

RULE 15. Each house shall convene daily, except Sunday, at 10:00 a.m., unless otherwise ordered by a vote of the house.

QUORUM

RULE 16. A majority of the membership of each house constitutes a quorum to do business (subject to the special voting requirements of Constitution, Art. II, Secs. 14, 16 and 18), but a smaller number may adjourn from day to day and may compel the attendance of absent members (Constitution, Art. II, Sec. 12).

ABSENCE OF MEMBERS

RULE 17. No member may absent himself from sittings of the house unless he has the leave of the house to be absent or is ill and unable to

attend. Any member consistently absent from meetings of a standing committee to which he is assigned may be removed from that committee by the Committee on Committees upon a showing that his absence is unwarranted.

CALL OF THE HOUSE

RULE 18. A call of the house is used to compel the attendance of absent members. When no quorum is present, the presiding officer of the house may compel the attendance of individual absent members; otherwise the house must either order a call or adjourn. A call of the house may be ordered by one-fifth of the full membership to which the house is entitled.

DAILY ORDER OF BUSINESS

RULE 19. Unless changed by a vote of two-thirds of the full membership of the house the daily order of business of each house is as follows:

- a. Roll call
- b. Prayer by chaplain
- c. Certification by the chief clerk or secretary to the house as to the correctness of the journal of the previous day. Journal approved or ordered changed.
- d. Messages from the Governor
- e. Messages from the other house
- f. Introduction of resolutions from members of the house
- g. Reports of standing committees
- h. Reports of special committees
- i. Special orders (not set for a particular hour)
- j. Unfinished business
- k. First reading and reference of bills of both houses

1. Consideration of daily calendar
 1. Second reading of bills of house
 2. Second reading of bills of other house
 3. Third reading of bills of house
 4. Third reading of bills of other house
 5. All other matters up for final action in the house
- m. Announcement of committee meetings
- n. Adjournment

DAILY CALENDAR

RULE 20. The Rules Committee of each house is responsible for the preparation of the daily calendar for distribution to each member on the day preceding the next legislative day. Pending the printing of the calendar the contents of the calendar may be announced or posted. Changes to a calendar or approval of a supplementary calendar may be authorized by two-thirds of the membership present. No business shall be transacted nor any measure considered that is not on the calendar. A bill may not be withdrawn from the Rules Committee but two-thirds of the full membership of the house may order a bill in the possession of the Rules Committee placed on the calendar for the next legislative day.

SPECIAL ORDER OF BUSINESS

RULE 21. Any subject may, by a vote of two-thirds of the members present, be made a special order of business, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the house.

STANDING COMMITTEES

RULE 22. Each house has the following standing committees with the jurisdiction indicated:

FINANCE (all appropriation, revenue, capital improvement, and bonding measures, the executive budget, and the programs of the Department of Revenue).

HEALTH, WELFARE AND EDUCATION (the programs of the Department of Health and Welfare, the Department of Education, and the University of Alaska).

JUDICIARY (the programs of the Alaska Court System and the Department of Law, and the legal review of bills referred to it for that purpose).

LABOR AND MANAGEMENT (the programs of the Department of Labor relating to labor-management relations, industrial safety, unemployment compensation, and workmen's compensation).

LOCAL GOVERNMENT (the programs of the Local Affairs Agency and other matters relating to political subdivisions).

RESOURCES (the committee will consist of two subcommittees: Fish and Game for the programs of the Department of Fish and Game, and, Resources, for the programs of the Department of Natural Resources).

RULES (interpretation of the Uniform Rules, calendar, and the internal administration of the house).

STATE AFFAIRS (activities and programs of the Office of the Governor and the Departments of Administration, Commerce, Economic Development and Planning, Highways, Military Affairs, Public Safety, and Public Works. The committee shall have a special subcommittee to deal with the activities of the Department of Commerce in the regulation of insurance, banking, securities, real estate, and professional and occupational boards.

SPECIAL AND JOINT COMMITTEES

RULE 23. The presiding officer of each house appoints all special committees and designates their chairmen unless otherwise ordered by the house. The like committees of each house meet jointly as often as possible to receive testimony and deal with other matters which may be expedited by joint committee action.

COMMITTEE QUORUM

RULE 24. The majority of members of any committee constitutes the quorum necessary to transact business but a lesser number may carry on routine committee business after the initial convening if a majority of the committee consents in advance. The committee chairman or vice chairman shall preside at all meetings unless the chairman designates another member to act in the absence of the chairman or vice chairman at a particular meeting.

COMMITTEE ACTION AND REPORTS

RULE 25. a. A committee acts on all bills referred to it and reports its actions and recommendations to the house as soon as practicable. Committee reports must be in writing and the recommendation must be signed by a majority of the members of the committee. The report will note the recommendation of members not signing the majority report.

b. When a bill is reported back by a committee with a unanimous recommendation that the bill "do not pass" or "without recommendation," the presiding officer shall put the question "Shall the bill be referred to the Rules Committee for placement on the calendar for second reading notwithstanding the report of the committee?" The question is debatable and if a majority of the members present vote in the negative the bill is lost.

c. If a committee has more than one bill on the same subject or if it finds it necessary to revise a bill substantially, it may report out a substitute bill and recommend that the substitute be accepted for second reading in the place of the original bill. Substitute bills are duplicated and distributed when they are reported out by the committee. Committee substitute bills carry a notation of the source or sponsor of the original bill in the manner prescribed by the drafting manual.

d. All bills involving appropriations, revenues or bonding must be referred to the Finance Committee before they can be advanced to second reading.

e. Committee meetings shall be conducted in compliance with the provisions of Sec. 1, Art. VI, Ch. I, Ch. 143, SLA 1959 (Administrative Procedure Act).

COMMITTEE OF THE WHOLE

RULE 26. When the house forms itself into a Committee of the Whole the presiding officer vacates the chair and calls upon a member to preside as chairman. The Uniform Rules are observed in the Committee of the Whole but no member shall be recognized a second time until every member wishing to speak has spoken. When a bill is considered in the Committee of the Whole it shall be read and debated by sections and amendments adopted shall be noted on paper separate from the bill. When the committee rises and reports, the amendments proposed by the committee and other amendments may be adopted.

DECORUM IN DEBATE

RULE 27. Decorum in debate is governed by the provisions of Sections 120 through 127, Mason's Manual of Legislative Procedure, when not inconsistent with these uniform rules.

MOTIONS

RULE 28. a. When an oral motion is made and seconded, it shall be restated by the presiding officer. Motions shall be reduced to writing if the presiding officer or a member requests it. A written motion shall be handed to the chair and read aloud by the clerk or secretary before debate.

b. After a bill or resolution has been introduced or a motion for the adoption of an amendment has been made, and is read by the clerk or secretary or stated by the presiding officer, it is deemed to be in possession of the house. It may be withdrawn at any time by the member introducing or reporting it if consent is given by a majority of the house.

c. When a question is under debate no motion may be made except for the following privileged motions which have precedence in the order listed:

1. To adjourn
2. For a call of the house

3. To recess
4. To lay on the table
5. For the previous question
6. To limit or to extend the limits of debate
7. To postpone to a day certain
8. To commit or recommit
9. To postpone indefinitely
10. To amend
11. To advance from second to third reading on the same day

FORM OF QUESTION

RULE 29. The chair shall put the question to the body by stating: "As many as are in favor of (state the motion) say 'Aye'," and after the affirmative vote is expressed, "As many as are opposed say 'No'." If the chair is in doubt and he calls for a division of the house, the house shall divide.

INDEFINITE POSTPONEMENT

RULE 30. A measure may be indefinitely postponed by a majority vote of all members to which the house is entitled. The results of the roll call shall be entered in the journal. When a motion to postpone has been defeated it shall not be allowed again on the same day or at the same stage of the bill or proposition. When a bill or proposition has been postponed indefinitely it may not be acted upon again during the life of a legislature except on a motion of reconsideration.

RECONSIDERATION

RULE 31. a. A member who voted on the prevailing side of a motion, bill or resolution may give notice of his intention to move for a

reconsideration on the next legislative day; however, two-thirds of the membership of the house may order the reconsideration taken up on the same day that the notice of reconsideration is given.

b. When a notice of intent to reconsider is given, the notice is recorded in the journal and the clerk or secretary may not report the measure to the other house until the reconsideration is disposed of, or the time for moving reconsideration has expired. The time for moving the reconsideration expires at adjournment of the session on the next legislative day unless a majority of the members present agree to extend the period for an additional legislative day.

c. When a notice of reconsideration has been given, any member may move on the next legislative day for reconsideration of the question.

d. The motion for reconsideration opens for debate the question to be reconsidered and has precedence over every other motion except a motion to adjourn. When a vote is reconsidered that vote is cancelled as completely as though it had never been taken. There may be but one reconsideration even though the action of the house after reconsideration is opposite the action of the house before reconsideration.

RESCINDING ACTION

RULE 32. a. The motion to rescind is ordinarily applied to actions which have been taken and are already in effect. It has the effect of making ineffective the action previously taken. The motion to rescind is used to reverse a previous action after the time for reconsideration has passed. The motion is not in order when the question can be reached by a motion to reconsider or if the question has already been reconsidered. The motion to rescind is not in order unless the bill or measure is in the possession of the house, but the second house may be requested to return the bill or measure for that purpose at any time before final action on the bill or measure by the second house.

b. The power to rescind is lost when an authorized act is carried out or the legislature has ratified a contract.

c. Any member may move to rescind whether he voted on the prevailing side or not and all subsidiary motions can be applied to it as to any other main motion. The motion to rescind may not be renewed during the session and is not subject to reconsideration. The motion to rescind requires the same vote as that required to pass the measure originally.

PREVIOUS QUESTION

RULE 33. a. The previous question may be ordered by two-thirds of the members present upon all recognized motions or amendments which are debatable. It has the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment then pending or which has been ordered. The question is not debatable and cannot be amended.

b. If the motion is defeated the consideration goes on as if the motion had not been made. If the motion is sustained the presiding officer at once and without debate puts the motion or amendment as ordered. If an adjournment is had after the previous question is ordered, the subject comes up in its regular order on the next legislative day and the previous question still operates.

DIVISION OF A QUESTION

RULE 34. A division of a question cannot be demanded as a right by any member. It must be made pursuant to a motion stating precisely the division asked for. This motion may be amended. The presiding officer may decide, subject to an appeal to the house, that the division proposed cannot be made. If appealed to the house, the house decides if it can be divided.

VOTING PROCEDURE

RULE 35. a. General. The vote on final passage of all bills and joint resolutions is taken by the calling of the roll and the recording of the ayes and noes in the journal. A roll call vote on any measure may be demanded by one-fifth of the membership of the house. In case of an equal division on any roll call the motion is lost. The roll call of members of the house, except for the name of the presiding officer, who always votes last, shall be rotated daily.

b. Abstention. Every member present in the house shall vote unless the house for special reasons permits a member to abstain. All motions excusing a member from voting shall be made before the house divides or before the call for the ayes and noes is commenced. A member requesting to be excused from voting may make a brief oral statement of the reasons for his request and the question of granting permission to abstain shall be taken without further debate. No member may explain his vote nor may he discuss

the question while the ayes and noes are being called nor change his vote after the roll call result has been announced. Upon division and count of the house on any question no member not within the chamber is counted.

c. Pairing of votes. Any two members of a house may pair their votes on the final passage of a bill or joint resolution that may be determined by a majority vote. Pairing is permitted only when one of the members executing the pair is absent from the house when a vote is being taken on the specific subject on which the pair is executed. A pairing agreement must be in writing, and must be dated and signed by the participants. The agreement must specify the bill or joint resolution concerning which the pair is executed, the duration of the pairing agreement, and must show which signer is for the bill, measure, or proposition, and which one is against it. To be effective, the agreement must be delivered to the clerk or secretary before the roll call is called for by the chair. The pair is recorded in the journal immediately after the report on the roll call.

AMENDMENT

RULE 36. No motion or proposition on a subject shall be admitted under color of amendment if the subject matter is different from that under consideration. No amendment may be considered by the house unless submitted in writing and read aloud by the clerk or secretary. Amendments offered by a committee shall be included in its written report and attached to the original bill. A bill in second reading is subject to amendment and is treated section by section. No amendment may be made to a bill in its third reading but the bill may be returned to second reading by a majority of the full membership of the house for the purpose of specific amendment. A bill may be recommitted at any time before passage. When amendments to the body of the bill affect its title or the numbering of sections, the clerk or secretary may effect the necessary changes without formal motion.

PREFILING OF BILLS

RULE 37. Bills or proposals for bills may be prefiled with the executive director of the Legislative Council during the period between December 1 and January 15 preceding the convening of a regular session. All requests are confidential and are limited to bills and joint resolutions proposing amendments to the state constitution. Requests received after January 15 will be processed as staff time allows consistent with the completion of its

interim and pre-session work. Prefiled bills are put in proper legal form for delivery to the chief clerk and secretary on the day a house organizes for business. Prefiled bills are considered introduced on the day of their delivery and are read and referred to committee in advance of all other bills.

INTRODUCTION OF BILLS

RULE 38. a. Any member, group of members, standing or special committee may introduce a bill, subject to the provisions of these Uniform Rules. A bill must be introduced in proper form with the original and two carbon copies delivered to the chief clerk or secretary. The bill is then assigned a number which it retains through subsequent changes and substitutions. The bill is considered formally introduced when the clerk or secretary reads the heading and title aloud in open session (First Reading). Bills may be introduced through the Rules Committees by the Governor and the Legislative Council pursuant to provisions of law.

b. The original copy of a bill or resolution, or any substitute therefor, remains at all times in the custody of the chief clerk or secretary. When the original copy has been photographed for duplication each page of the bill is then marked or stamped "original copy." The first carbon copy of the original bill is jacketed and marked "committee copy" and is delivered on receipt to the chairman of the committee of first reference. The "committee copy" is the official copy used to accompany committee reports and the messages transmitting the document between houses. If the committee copy is lost or is not otherwise available a certified photocopy of the original copy may be used. The original of the enrolled copy is used for certification by each house for transmittal to the Governor.

HISTORY OF BILLS

RULE 39. A separate history of the bills of each house shall be maintained by the bill historian assigned to perform the duty for both houses by the Legislative Council. The historian shall, in cooperation with the chairmen of the Rules Committees and the Chief Clerk and Senate Secretary, maintain a current record on all bills and resolutions and publish a weekly report on the status of the bills of each house.

ACTION ON BILLS

RULE 40. a. Number of readings. No bill may become law unless it has passed three separate readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it. (Constitution, Art. II, Sec. 14).

b. First reading. The first reading consists of a reading aloud by the clerk or secretary of the following information: the house of origin, the bill number, the sponsor, and the title of the bill, e.g., "In the House, House Bill No. ____, by Messrs. _____ and _____, A bill for an Act entitled, 'An Act relating to a code of ethics for state employees'." The bill is then referred by the presiding officer to a committee. The house may by a majority vote refer the bill to any other standing or special committee.

c. Second reading. When a bill appears on the calendar for second reading it is read in the same manner as in the first reading unless a majority of the members present order that it be read in full. When the second reading of the bill and the accompanying committee report is completed the bill is then before the house for amendment. If a proposed amendment is tabled it does not carry with it or prejudice the bill. When all amendments have been made the presiding officer directs the clerk or secretary to have the bill engrossed with all amendments approved by the house and to certify its proper engrossment on the following legislative day. When the clerk or secretary reports the bill back properly engrossed it is then delivered to the Rules Committee for placement on the calendar for third reading and final consideration. Three-fourths of the full membership of the house may order that the bill be considered engrossed upon the completion of the second reading for the purpose of advancing it from second to third reading on the same day.

d. Third reading. On its third reading the bill is read by heading and title only. The question on third reading of a bill is upon its final passage and no amendments may be considered. No bill may become law without an affirmative majority of the full membership of each house. The yeas and noes on final passage, noting the name and vote of each member, shall be entered in the journal. The bill is then engrossed or enrolled, as appropriate, at the direction of the clerk or secretary.

e. If a bill or portion of a bill contains matter changing a supreme court rule governing practice and procedure in civil or criminal cases the bill must contain a section expressly citing the rule and noting what change

is being proposed. The section containing the change in a court rule must be approved by an affirmative vote of two-thirds of the membership to which the house is entitled. If the section effecting a change in the court rule fails to receive the required two-thirds vote the section is void and without effect and is deleted from the bill.

COURSE OF BILLS

RULE 41. When a bill has passed the house in which it originated and has been certified as properly engrossed by the clerk or secretary and photographed for bulk duplication, it shall be signed by the presiding officer and the clerk or secretary. The clerk or secretary shall transmit the committee copy of the engrossed bill on receipt to the other house and retain the original copy for the files of the house of origin. When the second house receives the message accompanying the engrossed bill and reporting its passage, the bill shall be read by the clerk or secretary for the first time and then referred by the presiding officer to a committee for subsequent action by that house.

AMENDMENTS IN OTHER HOUSE

RULE 42. When a bill passed in one house is amended in the other house, the bill with certified amendments is returned to the house of origin requesting concurrence. If concurrence is had the clerk or secretary notes the concurrence in the journal, informs the other house of the concurrence, and proceeds to have the bill enrolled for certification and transmittal to the Governor.

CONFERENCE COMMITTEE

RULE 43. a. If one house refuses to concur in the amendments of the other it so notifies the amending house and requests that it recede from its amendments. If the house refuses to recede, the presiding officer of each house appoints three members to sit as a Committee on Conference. The Committee meets when mutually agreeable to its members and when agreement on previously adopted amendments to a bill adopted by either house is reached, the Committee submits an identical report to each house.

If the report is adopted by both houses the bill is enrolled, signed, and transmitted to the Governor. It is in order at any time to grant powers of free conference to the Committee on Conference. If the members of the Committee on Conference cannot agree on amendments or one or both houses refuses to adopt its report it is then in order to appoint a Committee on Free Conference.

b. Committee on Free Conference is appointed in the same manner as a Committee on Conference and may suggest in its report any new amendments germane to the question. When a majority of the membership on the committee from each house agree on amendments to be proposed, the amendments are attached to the bill and reported back to each house in an identical report. The report is not subject to amendment in either house. If the report is adopted in both houses the bill is then ordered enrolled by its house of origin. If the Committee on Free Conference fails to agree or its report is not adopted, a second Committee on Free Conference may be appointed but no member of the first committee may be reappointed. Committees on Free Conference for the same bill may continue to be appointed as long as both houses agree to their appointment.

ENROLLMENT

RULE 44. a. When a bill has passed both houses the presiding officer of the house of origin directs that it be enrolled. The clerk or secretary transmits the engrossed bill to the enrolling secretary of the Legislature who, with the staff of the Legislative Council, has the bill checked for form and legal content before placement in final form according to the legislative drafting manual. The enrolling secretary is authorized to correct form and typographical errors and is required to correct and report correction of errors in substance when the bill is returned to the clerk or secretary of the house of origin. When a substantive correction has been made and reported, the clerk or secretary shall advise the presiding officers of both houses before the bill is signed and transmitted to the Governor.

b. Bills consisting of several pages need not be formally enrolled if the presiding officer in his discretion announces that for reasons of economy and time, formal enrollment is being waived. If enrollment is waived, and the presiding officer of the other house consents, the first page and signatory page of the bill will be enrolled and then affixed to the engrossed bill along with any certified amendments and when signed by the officers of both houses will be transmitted to the Governor with a letter noting that enrollment was waived. Engrossment of such bills may also be waived in the same manner.

TIME LIMIT ON BILLS

RULE 45. No bill except one introduced by a standing committee may be introduced after the fortieth day or received in the other house after the forty-fifth day of any regular session. The time limit may be changed by approval of a concurrent resolution by a two-thirds vote of the membership to which each house is entitled.

EFFECTIVE DATE OF BILLS

RULE 46. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date. (Constitution, Art. II, Sec. 18) If a bill is to become effective on a date other than 90 days after enactment, the effective date must be stated in a separate section of the bill and the section must receive the affirmative vote of two-thirds of the full membership of each house.

VETOED BILLS

RULE 47. The Governor may veto a bill or by veto strike or reduce an item in an appropriation bill. He shall return the vetoed bill or the bill in which an appropriation item was stricken or reduced with a statement of his objections to the house of origin. The receipt of the bill and veto statement are noted in the journal and the other house is promptly requested to meet in joint session to reconsider passage of the vetoed bill or item. The vote on reconsideration of a vetoed bill or item is entered in the journal of both houses. Bills to raise revenue and appropriation bills or items, although vetoed, become law upon reconsideration by the affirmative vote of three-fourths of the full membership of the legislature. Other vetoed bills become law upon reconsideration by the affirmative vote of two-thirds of the full membership of the legislature.

BILLS CARRY OVER

RULE 48. Bills introduced in the first regular session of a legislature which are not passed or not withdrawn, defeated, vetoed, or indefinitely postponed, carry over into the second regular session of the same legislature.

in the same reading or status they were in at the time of adjournment. Joint resolutions proposing or ratifying amendments to the U. S. Constitution or proposing amendments to the state constitution carry over in the same manner as bills. All other forms of resolutions expire with the adjournment of the first regular session.

RESOLUTIONS

RULE 49. The only type of instrument other than a bill authorized under these uniform rules is a resolution. Unless specifically provided for in the rules a resolution requires a majority vote of the full membership for approval. The types and uses of resolutions are as follows:

a. A simple resolution is a formalized motion passed by one house only and bearing the heading "House Resolution" or "Senate Resolution." It may be used to express the will, wish, view, opinion, sympathy, or request of the house adopting it. It does not require committee referral, three readings, or a roll call vote.

b. A special resolution headed "House Special Resolution" or "Senate Special Resolution" is used only for the purpose of expelling a member under provisions of Sec. 12, Art. II, of the State Constitution. The special resolution requires a referral to the Rules Committee, three readings, and concurrence of two-thirds of the full membership of the house for approval.

c. A concurrent resolution is similar to the simple resolution but reflects the will, wish, view or decision of both houses speaking concurrently. It is used particularly to handle the internal business of the Legislature, e.g., adjournment of the Legislature, suspension and amendment of the Uniform Rules, requesting action of executive agencies and interim committees; and fixing the time and place for joint assemblies. This resolution is also used for annulling regulations promulgated under the Administrative Procedure Act. This resolution does not require committee referral, three readings, or anything other than majority approval unless otherwise required by the rules.

d. A special concurrent resolution is employed when the Legislature is considering disapproval of an executive order of the Governor laid before the Legislature under provisions of Sec. 23, Art. III, of the State Constitution. This resolution must be considered by a joint committee and may be adopted by a majority of the full membership of the Legislature in joint session without recourse to three readings.

e. A joint resolution is the most formal type of resolution and is adopted by both houses and then signed by the Governor as a ministerial formality. The joint resolution is treated in all respects as a bill but it is not subject to veto. It is usually reserved for addressees outside the state. This resolution is used mainly to express the view or wish of the Legislature to the President, the Congress or agencies of the United States Government or the governments of other states. It is required for proposing or ratifying amendments to the U. S. Constitution, proposing amendments to the state constitution under provisions of Sec. 1, Art. XIII, of the State Constitution, and for disapproval of local government boundary changes recommended by the Local Boundary Commission under provisions of Sec. 12, Art. X, of the State Constitution.

All resolutions passed by one or both houses are sent to the Governor as a matter of information and for permanent filing with the Secretary of State. The Secretary of State sends enrolled copies of joint resolutions to the federal and other state officers, agencies and jurisdictions. The transmittal of copies of all other resolutions to designated addressees is the responsibility of the clerk or secretary of the house of origin.

JOINT SESSIONS

RULE 50. When a house deems it necessary to ask the other house to join it in a joint session other than for the purpose of considering an executive veto, a message is sent to the other house setting forth the reason and proposed time of the joint session and asking its concurrence. The president of the Senate in the presence of the Speaker of the House presides over joint sessions and the joint sessions are governed by the uniform rules.

ADJOURNMENT

RULE 51. Neither house may adjourn or recess for longer than three days unless the other concurs. (Sec. 10, Art. II, State Constitution) Adoption of a concurrent resolution by a majority of the full membership of each house constitutes concurrence. A motion to adjourn or recess a session is in order when it is the intention of the Legislature to recess or adjourn to a day certain. A motion to adjourn sine die is in order only at the end of a second regular session or a special session.

ADOPTION AND AMENDMENT OF RULES

RULE 52. The Uniform Rules of the Legislature shall be adopted in joint session by a majority vote of the full membership of each house and may be amended by the adoption of a concurrent resolution by two-thirds of the full membership of each house. When the rules are affected by constitutional and statutory changes the Legislative Council will effect the necessary formal revision in the next printing of the rules and inform the Rules Committees of the changes made.

SUSPENSION OF RULES

RULE 53. Unless otherwise provided for in the case of a particular rule, the uniform rules may be suspended by a concurrent resolution approved by two-thirds of the full membership of each house. If either house violates a uniform rule a question of order may be raised in the other house. If it is decided by the other house that the uniform rules have been violated, the bill involved in that violation shall be returned to its house of origin without further action.

IMPLEMENTATION OF RULES

RULE 54. The rules of parliamentary practice comprised in Mason's Manual of Legislative Procedure implement and govern the Uniform Rules of the Legislature in all cases not covered by these Uniform Rules.

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