

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE
SECOND SPECIAL SESSION**

**Final Report
of the
SPECIAL COMMITTEE
ON
LEGISLATIVE RULES**

November 1998

Members:

Staff:

**David E. Boulter, Director
David C. Elliott, Principal Analyst**

**Office of Policy & Legal Analysis
Rooms 101/107/135, 13 State House Sta.
Augusta, Maine 04333
(207)287-1670**

**Senator Mark Lawrence
Representative Elizabeth Mitchell
Senator Lloyd P. LaFountain, III
Senator Sharon Treat
Senator Bruce MacKinnon
Representative Richard H. Thompson
Representative Joseph Jabar
Representative Michael J. McAlevey**

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ON
LEGISLATIVE RULES**

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SPECIAL COMMITTEE ON LEGISLATIVE RULES FINAL REPORT

The presiding officers established the Special Committee on Legislative Rules on July 31, 1998. A copy of the order setting up the committee is attached. The purpose of the special committee was to review the operation of current legislative rules and to recommend changes for consideration by the 119th Legislature when it adopts its procedural rules for the next biennium. The special committee was directed to submit a report of its review and recommendations to the Legislative Council of the 118th Legislature before the convening of the 119th. The special committee was created to follow up on the successful work of the Subcommittee on Rules of the Legislature's Committee on Total Quality Management. The TQM subcommittee was the catalyst for the adoption of significant revisions in legislative rules in 1996 and again in 1997.

The membership of the Special Committee on Legislative Rules consisted of 8 legislators--the President of the Senate and the Speaker of the House together with 3 legislators each from the Senate and the House who were selected by the President and Speaker. A list of the members is attached. The Secretary of the Senate, the Clerk of the House and the directors of nonpartisan staff officers also participated in the deliberations of the special committee at the invitation of the committee.

In addition to other matters which the special commission determined appropriate, the committee was specifically directed to examine the following areas: (1) the implementation of the recent joint rule providing for joint referral of bills to more than one committee; (2) the impact of the Joint Rules on the effectiveness with which the Legislature manages its legislative workload and sets priorities during the session; and (3) whether to recommend adoption of new Joint Rules to implement the recommendations of the Special Committee to Review the Study Committee Process issued in January 1998.

The special committee met 3 times on August 18th, September 21st and October 5th to carry out its duties. Following its review and evaluation, the committee makes the following recommendations regarding the Joint Rules. Unless indicated otherwise, the recommendations summarized below represent the unanimous position of the committee.

I. Necessary changes in the Joint Rules

- The rule that allows for joint referral of bills to more than one committee should be retained but clarified to address some of the confusion about the process that currently exists. Under the committee's recommendation, the public hearing on a jointly referred bill would be held before both committees sitting jointly on a date mutually agreed to by the chairs of both committees. The chairs would then be able to develop a process for working g on the bill that was tailored to meet the needs of the committees. If the chairs were unable to devise an acceptable plan, the presiding officers would establish the process. After the hearing and work sessions, the final vote on the bill would be by the full membership of both committees. (Rule 308, subsection 3

- A cloture date should be established for Governor's bill requests. The committee recommends that cloture for Governor's bills be established as the Friday after the first Monday in January, except that cloture would be one month later when the Governor is newly elected to a first term. As with legislator-sponsored bills, Governor's bills submitted after cloture would be subject to approval by the Legislative Council before they could be introduced. (Rule 203-A)
- The presiding officers should be specifically directed to establish committee reporting deadlines for bills. (Rule 309)
- Certain oversight responsibilities of the Legislature require committee work during periods when the Legislature is not in session. As a result, the presiding officers should authorize committee meetings during the interim for non legislation activities such as Government Evaluation Act review, rule making review, strategic planning/performance budgeting oversight and sunshine review for licensing agencies. (Rule 315)
- With respect to the committee vote on any minority report, the rules should require that the vote take place at the same time as the majority vote, that any vote be taken on language in the possession of the committee or a specific motion describing the content of the report and that no substantive changes may be made in a committee amendment unless the new language has been approved in a public meeting. This was a majority vote of the special committee. (Rule 310, subsection 2)
- The rules should prohibit committees from holding a work session on a bill for which notice has not been first posted on the committee room door and on the notice board in the 3rd floor rotunda. (Rule 305, 1st ¶)
- Committees should more directly be required to plan for and allow adequate time for participation by handicapped persons in scheduling their hearings and work sessions. (Rule 305, 4th ¶)
- The rules should prohibit committees from voting on bills between 10:30 p.m. and 7:30 a.m. unless authorized by the presiding officers. (Rule 310, subsection 5)
- The following changes should be made in the process by which policy committee participate in the review of the budget. (Rule 314):
 - ⇒ Clarify that policy committees participate in development of any supplemental and emergency budget as well as the initial biennial budget.
 - ⇒ Require appointment of a chair of the policy committee's budget subcommittee.
 - ⇒ Require notice be provided to the policy committee chairs and subcommittee chair before the Appropriations and Financial Affairs Committee works on the part of the budget relating to the policy committee's jurisdiction.

⇒ Provide for greater consultation between the Appropriations Committee and policy committee when establishing the date for submission of a policy committee's recommendations to the Appropriations Committee

- With minor revisions, the changes to the Joint Rules recommended by the Special Committee to Review the Study Committee Process to implement that committee's findings regarding the study process should be adopted. (Rule 353)
- There are several technical amendments that have been suggested by the commission. Those changes are contained in the draft rule changes attached. (Rules 104, 105, 106, 204, 208, 403 and 409)

The recommended amendments to the current joint rules are identified in the text of affected sections in the attached draft. Each amended rule is followed by a brief note explaining the reason for the change. When changes in the Joint Rules would affect the chamber rules, the Clerk of the House and the Secretary of the Senate will coordinate those changes.

II. Areas reviewed and not recommended for change

In addition to its recommendations for affirmative changes to the Joint Rules described above and identified in the attached draft rules, the special committee considered but recommended no changes in the following areas.

- No limit should be placed on the number of bill requests submitted by legislators.
- Continue to require a unanimous committee ONTP report to send a bill to the "dead" file.
- During policy committee deliberations with the Appropriations Committee on the budget, the date for the policy committee's report back to Appropriations should not be jointly set by the chairs of the 2 committees and the Appropriations committee should not be required to first notify the policy committee of the Appropriations Committee's action on those recommendations. This was a majority vote of the special committee.

III. Areas for possible future consideration

Finally, the special committee identified the following areas for future consideration and possible action.

- The number and jurisdiction of the joint standing committees in the 119th Legislature may need to be revised after the results of the November election are known and bill requests filed in order to balance committee workloads and properly align committee jurisdictions.

- The proposal was made, but not discussed in detail, to establish a Standing Committee on Rules to provide an on-going forum to discuss appropriate changes to the joint and chamber rules. The 119th Legislature may wish to consider this issue.

Following its deliberations, the Special Committee on Legislative Rules presents this report to the Legislative Council for its consideration when the 119th Legislature adopts its version of the Joint Rules.

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APPENDIX A

ENABLING LEGISLATION

President of the Senate
&
Speaker of the House of Representatives

STATE OF MAINE

WHEREAS, the rules of the House of Representatives and the Senate and the Joint Rules establish procedures and protocols of the Legislature and are important for the orderly functioning of the Legislature;

WHEREAS, the Legislature benefits from periodic review of the rules to assure the rules facilitate the effective operations of the Legislature, in keeping with its Constitutional responsibilities; and

WHEREAS, review of the joint rules should be made prior to the convening of the 119th Maine Legislature so the next Legislature has the benefit of that review before it adopts its rules; now, therefore, be it

ESTABLISHED, that the Special Committee on Legislative Rules is established as follows.

1. **Committee established.** The Special Committee on Legislative Rules, referred to as the "committee," is established.
2. **Membership.** The committee consists of 8 members appointed as follows.
 - A. The President of the Senate who shall serve as the Senate Chair.
 - B. The Speaker of the House who shall serve as the House Chair.
 - C. The President of the Senate shall appoint 3 members from the Senate who have expertise or interest in rules of the Legislature.

D. The Speaker of the House of Representatives shall appoint 3 members from the House of Representatives who have expertise or interest in rules of the Legislature.

3. **Convening of special committee.** When the appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee which shall occur no later than August 21, 1998.

4. **Duties.** The committee shall review the Joint Rules adopted by the 118th Legislature. Among other things, the review must include an evaluation and recommendation on: rules relating to the referral of bills or resolves to more than one joint standing committee; management and priority of bills and resolves introduced in the first regular session; and appropriate joint rules to implement the recommendations of the Special Committee to Review the Study Committee Process as described in its Final Report dated January 16, 1998.

In reviewing the rules, the committee shall invite the participation of the Secretary of the Senate, Clerk of the House of Representatives, the directors of the nonpartisan offices of the Legislature and interested members of the Legislature.

5. **Meetings.** In conducting its duties, the committee may meet at times and locations approved jointly by the President of the Senate and the Speaker of the House of Representatives.

6. **Staff assistance.** Upon approval from the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. **Reimbursement.** Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. **Report.** The committee shall complete its work and submit a report of its findings and recommendations relating to rules of the Legislature, along with any suggested rule amendments, to the Legislative Council by October 15, 1998 for its review.

BY: Mark W. Lawrence
Mark W. Lawrence, President
Maine Senate

BY: Elizabeth H. Mitchell
Elizabeth H. Mitchell, Speaker
House of Representatives

Effective: July 31, 1998

APPENDIX B

MEMBERS

SPECIAL COMMITTEE ON LEGISLATIVE RULES

Membership

Senator Mark Lawrence
Maine State Legislature
3 State House Station
Augusta, ME 04333-0003

Representative Elizabeth Mitchell
Maine State Legislature
2 State House Station
Augusta, ME 04333-0002

Senator Lloyd P. LaFountain, III
Maine State Legislature
322 Alfred Street
Biddeford, ME 04005

Representative Richard H. Thompson
Maine State Legislature
Rte. 11, P.O. Box 711
Naples, ME 04055

Senator Sharon Treat
Maine State Legislature
P.O. Box 12
Gardiner, ME 04345

Representative Joseph Jabar
Maine State Legislature
One Center Street
Waterville, ME 04901

Senator Bruce MacKinnon
Maine State Legislature
23 Turner Street
Springvale, ME 04083

Representative Michael J. McAlevey
Maine State Legislature
West Road, P.O. Box 340
Waterboro, ME 04087

APPENDIX C

RECOMMENDED CHANGES TO THE JOINT RULES OF THE 118TH LEGISLATURE

**SPECIAL COMMITTEE ON LEGISLATIVE RULES
RECOMMENDED CHANGES TO
THE JOINT RULES OF THE 118TH LEGISLATURE**

Rule 104. Conflict of Interest

A member may not vote on any question in either chamber of the Legislature or in committee when that question immediately involves that member's private right, as distinct from the public interest.

Note: Conflict of interest on House and Senate votes should be covered in chamber rules.

Rule 105. Payment of House and Senate Employees—Salary and benefits of legislative employees is public information.

~~The Secretary of the Senate shall certify vouchers of the officers and employees of the Senate and the Clerk of the House shall certify vouchers of the officers and employees of the House to the Executive Director of the Legislative Council.~~

Salary and benefit information regarding employees and officers of the Legislature is public information and when requested must be provided within a reasonable time by the Executive Director of the Legislative Council.

Note: Heading is amended to reflect new content of rule. First ¶ is more appropriate for chamber rules and is deleted here.

Rule 106. Records of Certain Legislator Expenses.

Upon request, the presiding officer of each chamber shall provide to the Legislative Council ~~or any council member~~ the total monthly total or annual total cost of telephone expenses and of postage expenses for all members in the chamber. The presiding officers shall also provide monthly total and annual total telephone and postage expenses of individual members upon the request of any ~~member of the council.~~

Note: Changes clarify that it is only the monthly total and yearly total expenditures for phone and postage that are available and that the information will be provided by the presiding officers to anyone upon request.

Rule 203-A. Cloture for Governor's Bills and Resolves.

All requests for bills and resolves submitted by the Governor must be submitted to the Revisor of Statutes by 4:00 p.m. on the Friday following the first Monday in January, except that if the convening of a first regular session coincides with the beginning of a newly elected Governor's first term, all Governor's requests for bills and resolves must be submitted by 4:00 p.m. on the Friday following the first Monday in February.

Note: This new joint rule establishes a cloture requirement for Governor's bills. The deadline dovetails with that for submission of the Governor's biennial budget in odd-numbered years and uses that same date in the second year of the biennium for filing bills and resolves by the Governor. As is the case for the budget submission and for filing of agencies' bill and resolve requests, an extra 30 days is granted in years when the Governor is newly elected. (Provision is made in Rule 205 for introduction of bills after cloture upon demonstration of need to the Legislative Council.) The presiding officers sent a letter to the Governor on November 2, 1998, informing him of the special committee's recommendation which would take effect in January 1999 if adopted as part of the Joint Rules by the 119th Legislature.

Rule 204. Cloture for State Department, Agency or Commission Bills and Resolves.

1. Deadlines for Requests. All requests for bills and resolves submitted by a A state department, agency or commission ~~may not file a request for a bill or resolve after~~ must be submitted to the Revisor of Statutes by 4:00 p.m. on the first Wednesday in December.

2. Newly Elected. If the Governor is newly elected and the convening of the first regular session coincides with the beginning of the Governor's first term, then any request for a bill or resolve submitted by a state department, agency or commission must be submitted within 30 days after the Governor is administered the oath of office.

3. Identification of Agency. Each request for a bill or resolve submitted ~~for preparation~~ under this rule must clearly designate, under the title, the department, agency or commission on whose behalf the bill or resolve is submitted.

Note: This amended language makes the cloture language in rules 202 (legislators) and 204 (agencies) parallel.

Rule 205. Filing after Cloture.

Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator, the Governor or a department, agency or commission after the appropriate cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor or the Governor the facts supporting the request notwithstanding cloture. If a majority of the council approves, the legislation is eligible for introduction as other legislation that is in compliance with Rule 202 or 203.

Note: In light of proposed new Joint Rule 203-A, establishing a cloture date for Governor's bills, Joint Rule 205 is amended to provide for consideration of Governor's requests filed after cloture. Governor's late-filed bills would require Council approval for introduction the same as legislator and agency requests.

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation. ~~Each committee may establish a limit on the number of bills or resolves in concept form that it hears.~~ Notwithstanding the Maine Revised Statutes, Title 1, section 402, members of legislative leadership and committee chairs have access to the contents of a file for a bill or resolve that is prepared in concept form. This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft. ~~This paragraph of Joint Rule 208 shall have a sunset date of December 1, 1998. The sunset date may be extended by a majority vote of both branches of the Legislature.~~

Note: This amendment strikes the sunset date for the concept drafting option of bill preparation and other language dealing with testing the concept drafting process during the 118th thus continuing concept drafting as an option available to legislative sponsors as it has existed during the last 2 sessions.

Rule 305. Scheduling Public Hearings and Work Sessions.

At the beginning of each the regular session, each committee shall recommend to the presiding officers specific days for its public hearings and work sessions, taking into consideration the availability of assigned staff and hearing rooms. Upon approval of the schedule by the presiding officers, the chairs shall try to schedule all committee work on those days. Each committee shall distribute a detailed list of hearings and work sessions that have been scheduled for the following week to all committee members. This schedule must also be posted outside the committee room. Notice of a committee's public hearings and work sessions must be posted each day on the board provided for that purpose on the third floor of the State House. A committee may not hold a hearing or conduct a work session for which notice has not been posted.

Note: This amendment requires notice of committee public hearings and work sessions to be posted outside the committee room and in the rotunda on the third floor of the State House before the hearing or work session is held.

Public hearings must be advertised 2 weekends in advance of the hearing date. All exceptions must be approved by both presiding officers.

The committee shall direct the committee clerk to notify all sponsors of the bill of the public hearing and work session on the bill.

It is the intent of the Legislature that a person not be denied access to committee public hearings and work sessions because of a disability. Committees shall provide reasonable access for disabled persons to their proceedings and allow adequate time for participation by disabled persons.

Note: This language is added to emphasize the need for committees to anticipate and provide for the needs of disabled persons in scheduling their meetings. The commission also suggests that training of committee chairs be expanded to include consideration of this issue.

Rule 308. Reference of Bills to Committee.

All bills and resolves must be referred to committee, except that this provision may be suspended by a majority vote in each chamber.

1. Legislature in Session. When the Legislature is in session, the Secretary of the Senate and the Clerk of the House shall jointly suggest an appropriate committee reference for every bill, resolve and petition offered. The suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of reference must be referred to a conference of the President of the Senate and the Speaker of the House. Upon their agreement, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber. If they are unable to agree, the question of suggested reference must be referred to the Legislative Council

for resolution. Upon the decision of the Legislative Council, the suggested reference must be placed upon the Advance Journal and Calendar of each chamber.

Each suggested reference appearing upon the Advance Journal and Calendar of each chamber must contain a recommendation for the printing of the document being referred and may contain a recommendation on the number of copies of that document to be printed.

Any member may move for reconsideration of a committee reference on the floor. Notwithstanding ~~House Rule 53, Senate Rule 33 and~~ Joint Rule 103, a majority vote is necessary to overturn the original committee of reference.

2. Legislature Not in Session. When the Legislature is not in session or is in recess for more than 4 days, the Secretary of the Senate and Clerk of the House may refer the bills to the appropriate joint standing committee for public hearing and order printing, subject to the approval of the President of the Senate and the Speaker of the House.

3. Reference to More Than One Committee. When a bill or resolve has a subject matter that falls within the jurisdiction of more than one committee, suggested references may be made and the full Legislature may vote to refer a bill or resolve to more than one committee. When references are made to more than one committee, the first named committee is responsible for the scheduling and conduct of all public hearings ~~and work sessions, subject to approval of the chairs of the other committee or committees.~~ Committees to whom a bill or resolve is referred pursuant to this rule shall participate equally in all public hearings and work sessions and shall make a joint report or joint reports. The public hearing or hearings must be conducted jointly by both committees. The chairs of the committees involved shall establish the process for conduct of the work session or work sessions on the bill. If the chairs are unable to agree, the presiding officers shall establish the process. The work session process must provide for balanced representation for each committee. The report or reports on a jointly referred bill is as voted by the full membership of each committee, except that if a member serves on more than one committee to whom a bill or resolve is referred, that member may cast only one vote.

Note: Change in subsection one deletes cross reference to chamber rules. Subsection 3 is amended to clarify the existing process for referral of a bill to more than one committee. The public hearing on a jointly referred bill must be held before both committees sitting jointly on a date agreed to by the chairs of both committees. The chairs of the committees may develop a process for holding work session and voting on the bill. If they are unable to agree, the Presiding Officers establish the process. The final vote on the bill is by the full membership of both committees.

Rule 309. Notice to Report.

The President of the Senate and the Speaker of the House shall jointly establish reporting deadlines for all bills and resolves referred to committee and each A joint standing committee to

which a bill or resolve has been referred shall, after receiving notice of the reporting deadlines from the President of the Senate and the Speaker of the House, report that its bills and resolves out of committee to the floor for consideration in accordance with that those deadlines.

Note: This amendment directs the presiding officers to establish committee deadlines for reporting bills.

Rule 310. Reports of Bills from Committee.

1. Deadline for Reports. The joint standing committees shall report out every bill that has been referred to them in the manner prescribed in these rules and in accordance with deadlines established by the presiding officers.

2. Committee Reports. The report of the committee must include a recommendation. Recommendations that may be made are:

- Ought to Pass
- Ought to Pass as Amended
- Ought to Pass in New Draft
- Ought Not to Pass
- Refer to Another Committee

The committee shall vote on all recommendations to be included in reports on a bill during a work session on that bill. When the committee recommendation is not unanimous, a minority report or reports are required. Except as provided in subsection 5, minority committee reports must be voted on at the same work session as the majority report on that bill. Notwithstanding subsection 5, a committee vote to report a bill out favorably must be taken based on written language before the committee at that time or on a motion describing the content of the report. After a committee vote, no substantive change may be made in the committee report unless motions to reconsider and to amend the report are approved at a committee work session. All reports on any legislative document must be submitted to the Legislature at the same time.

Note: This amendment requires that any committee minority vote be taken at the same time as the vote on the committee majority report and that the vote be based on a specific description of the content of any favorable report. Additionally, no substantive changes in any committee report may be made without a formal vote for reconsideration and on the content of the amendment.

3. Unanimous Ought Not to Pass Report When a joint standing committee votes unanimously to report a bill "Ought Not to Pass," the committee shall notify the presiding officers, the sponsor and the cosponsors of the bill of their action. This communication must appear on the calendar in each chamber, and the bill, upon notification of both chambers, must be placed in the legislative file and may be recalled only as provided in Rule 404.

4. Ought to Pass in New Draft Report. When the changes voted by the committee are major, the committee may elect to report the bill out "Ought to Pass in New Draft," with authorization of the presiding officers. When a plurality of the committee recommends this report, the chairs shall submit a request for authority to report the bill out in this fashion. New drafts printed pursuant to these rules must include the legislative document number that the new bill replaces and the names of the original sponsor and cosponsors. The Secretary of the Senate and the Clerk of the House shall determine the number of copies that must be printed of each new draft.

5. Committee Voting. The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. If all members are not present for the vote, the bill must be held until the following periods have expired.

A. If any member is absent from the State House and the State Office Building at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote.

B. If any member is absent from the committee at the time of the vote but present in the State House or the State Office Building, that member's vote may be registered with the clerk up until 5:00 p.m. on the day of the vote.

A member may abstain from voting only for a conflict of interest under Joint Rule 104.

Except for a motion to adjourn, a question may not be decided and official action may not be taken in the absence of a quorum.

No committee vote on a bill may be taken after 10:30 p.m. or before 7:30 a.m. unless authorized by the presiding officers.

Note: In order to provide for better participation by the public and legislators, this amendment prohibits committees from taking votes on legislation late at night or early in the morning.

Rule 314. Participation in Budget Hearings and Work Sessions.

As used in this Rule, "policy committee" means a joint standing committee or joint select committee of the Legislature having subject matter jurisdiction other than the Joint Standing Committee on Appropriations and Financial Affairs.

~~In regard to the Governor's biennial budget recommendations, the Legislature shall set priorities and implement policy as follows. In each year of the biennium, any budget bill submitted to the Legislature by the Governor and referred to the Joint Standing Committee on Appropriations and Financial Affairs is subject to the following procedures.~~

1. Budget Recommendations. Budget recommendations made by the Governor on areas within the jurisdiction of a policy committee must be initially heard jointly by the Joint Standing Committee on Appropriations and Financial Affairs and the policy committee having jurisdiction over the subject matter presented.

2. Subcommittee; Appointment. Each policy committee shall appoint a subcommittee of at least 3 and not more than 5 of its members to serve as liaisons to the Joint Standing Committee on Appropriations and Financial Affairs. At least one member of the subcommittee must be appointed by the Senate chair of the policy committee and at least 2 members must be appointed by the House chair of the policy committee. If more than 3 members are appointed to the subcommittee, the additional member or members must be appointed jointly by the chairs of the policy committee. This subcommittee must include members of the 2 parties holding the largest number of seats in the Legislature. The committee chairs shall name one of the members as subcommittee chair. ~~Whenever possible, the~~ The Joint Standing Committee on Appropriations and Financial Affairs shall notify each member of a the policy committee chairs and the chair of the subcommittee in a timely manner ~~of all~~ prior to any subsequent deliberations on budget items relative to that policy committee's jurisdiction. Each policy committee through its subcommittee shall advise the Joint Standing Committee on Appropriations and Financial Affairs of its respective policy committee's recommendations regarding budget items relative to that committee's jurisdiction and through its subcommittee may participate in all subsequent deliberations of the Joint Standing Committee on Appropriations and Financial Affairs on these budget items.

3. Membership Published. The membership of each subcommittee must be published in the Advance Journal and Calendar.

4. Policy Committee Recommendations. Each policy committee shall provide the Joint Standing Committee on Appropriations and Financial Affairs with the policy committee's recommendations regarding the relevant part of the Governor's budget. These recommendations must be delivered within a time period set by the chairs of the Joint Standing Committee on Appropriations and Financial Affairs after consultation with the chairs of the policy committee taking into consideration previously scheduled public hearings of the policy committee. The chairs of the Joint Standing Committee on Appropriations and Financial Affairs shall notify the presiding officers of the dates established for reporting policy committees recommendations. The recommendations must be made within the budgetary constraints set by the Joint Standing Committee on Appropriations and Financial Affairs.

5. Additional Funds. Following submission of the policy committee's biennial budget recommendations within established budget constraints, each policy committee may recommend additional funds for program priorities that exceed the original budgeting constraints and if recommendations for additional funds are made, the committee shall explain those recommendations.

6. Decision-making Authority. The Joint Standing Committee on Appropriations and Financial Affairs shall consider the policy committees' budget recommendations during the deliberations of the Joint Standing Committee on Appropriations and Financial Affairs but retains sole decision-making authority on budget matters.

7. List of Priorities. Within 5 business days after reporting out all bills involving appropriations or revenues, the policy committees shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a list indicating these committees' priorities for final passage of these bills.

Note: This amendment makes several changes in the way in which policy committees participate the initially development and adjust the biennial budget. The changes provide for the appointment of a chair of the policy committee's liaison subcommittee to the Appropriations Committee and requires the Appropriations Committee to notify the chairs of the appropriate policy committee and the chair of the liaison subcommittee prior to holding work sessions on the budget bill. Subsection 4 is amended to require the Appropriations Committee take into account already scheduled public hearings of the policy committees when establishing the date for submission of policy committee recommendations and to notify the presiding officers of the dates established for submission of those recommendations.

Rule 315. Interim committee activities.

The chairs of a joint standing committee may request and upon finding of need the President of the Senate and the Speaker of the House are authorized to jointly grant permission to a committee to meet out of session to conduct work of the committee, including review of agencies' effectiveness under the Government Evaluation Act, review of major substantive rules and agency regulatory agendas under the Administrative Procedure Act and review of agency strategic planning and performance budgeting submissions under Title 5, chapter 151-C.

Note: In recognition of the increased non-bill related work required of committees, this new rule specifically authorizes the presiding officers to jointly authorize limited committee meetings out of session when warranted by committee workload. This will allow committees to better prepare and plan for session work and to concentrate primarily on legislation during the session

Rule 353. ~~Study Committee Reports. Legislative Study Committees~~

~~—Committees authorized by the Legislative Council to undertake studies shall complete the studies, including reports and necessary implementing legislation, by the date established by the Legislative Council.~~

~~—Any committee that finds that it is unable to comply with its deadline shall submit a written request for an extension to the Legislative Council prior to the deadline.~~

To assist it in the exercise of its duties, the Legislature may establish joint select committees or commissions consisting of legislators and others members to conduct studies. Alternatively it may

refer matters to joint standing committees or subcommittees of joint standing committees for study. The procedure for such legislative studies is as follows.

1. Establishing study committees and commissions. Legislative study committees may be established by joint order, law or resolve. Studies that must be established by law or resolve include those that will:

A. be conducted by a task force, blue ribbon commission or other study group created by the Legislature that includes substantial membership by non-legislators; or

B. extend beyond the current legislative biennium.

Proposed study orders may be referred to joint standing committees for consideration and reported out in the same manner as proposed study legislation. Joint standing committees may report out study orders requesting that a study be conducted.

2. Appointment of members. Unless otherwise specified, the members of study committees established by joint order must be appointed by the presiding officers: Senate members by the President; and House members by the Speaker. Membership may include non-legislators but a majority of the members on study committees must be legislators.

3. Appointment of chairs. Study committees established by joint order must be chaired jointly except for study committees having 5 or less members. Each presiding officer shall appoint a chair at the time of initial appointment of study committee members except the chair of a study commission having 5 or less members must be appointed by the presiding officer of the body of the originating study order or legislation.

4. Committee size. Study committees may consist of not less than 3 and not more than 13 members, unless legislation creating a study committee specifies a greater number.

5. Compensation. Legislative members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of a study committee. Public members not otherwise compensated by their employers or other entities whom they represent are entitled to receive reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of a study committee.

6. Reporting dates. All reports of study committees which are to be submitted to the first regular session of the next or subsequent legislature must be completed and submitted not later than the first Wednesday in November preceding the convening of the first regular session of the next legislature. All reports of study committees which are to be submitted to the second regular session must be completed and submitted not later than the first Wednesday in December preceding the convening of the second regular session. Any proposed legislation accompanying such reports must be submitted in final draft form to the Revisor of Statutes by the reporting date.

7. Extension of reporting dates. Any study committee that finds it is unable to comply with its reporting date must submit, in writing, a request for extension of reporting date, the reasons an

extension is requested and a proposed new reporting date to the Legislative Council prior to the reporting date. The Legislative Council shall review the request and promptly notify the committee of its decision.

8. Study table. All joint orders or legislation proposing legislative studies regardless of funding source must be placed on a special study table in the House or Senate. The Legislative Council shall review the proposed studies and establish priorities for allocation of budgetary and staffing resources.

The Legislative Council shall establish a study line in the Legislative Account to which legislative studies are budgeted and study expenses charged. It also shall establish budgets and provide sufficient money from the Legislative Account for studies to be conducted by joint standing committees, joint select committees and other study committees of the Legislature. The Legislative Council shall provide money sufficient to enable the committees to reasonably conduct and complete the requirements of the studies.

The Legislative Council shall adopt guidelines for the drafting of study orders and legislation at the beginning of each legislative biennium. Study orders and legislation must be consistent with the adopted guidelines.

Note: This new language replaces the current joint rule on study committee reports. It incorporates the draft joint rule proposed by the Special Committee To Review the Study Committee Process to outline the major aspects of the legislative study process and to implement the recommendations of that committee.

Rule 403. Amendment of Bills.

A floor amendment ~~may not be permitted~~ is not in order on any bill or resolve until a favorable report of the committee to which the bill or resolve has been referred has been accepted and the bill or resolve is before the Senate in the 2nd reading or before the House in the 2nd reading.

Rule 409. Communications.

Whenever a message is sent from the Senate to the House, the chair shall appoint a messenger who, after being recognized, shall announce the message respectfully to the chair.

In a like manner, messages from the House ~~are~~ must be communicated to the presiding officer of the Senate.

Note: Minor style changes are suggested for rules 403 and 409.
