

1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: **10/29/1999**

Received By: **dykmapj**

Wanted: **Today**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **him**

This file may be shown to any legislator: **NO**

Drafter: **dykmapj**

May Contact:

Alt. Drafters:

Subject: **Legislature - rules**

Extra Copies: **JTK
RAC**

Pre Topic:

No specific pre topic given

Topic:

Conference committee time limits

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dykmapj 10/29/1999	gilfokm 10/29/1999	jfrantze 10/29/1999	_____	lrb_docadmin 10/29/1999	lrb_docadmin 10/29/1999	

FE Sent For:

<END>

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/?	dykmapj	/1-10-99-99 <i>Kmg</i>		==			

FE Sent For:

<END>

Dykman, Peter

From: Dykman, Peter
Sent: Thursday, October 28, 1999 4:33 PM
To: Rep.Staskunas
Subject: RE: drafting request

I listened to your voice mail but missed you when I called. Under the constitution you can introduce an AJR amending the joint rules. The speaker will refer it to committee or to the calendar. If he refers it to a committee you would need a two-third vote to withdraw it within the first 21 days after referral. See assembly rule 15.

I will draft a joint resolution for you that if a Conference Committee does not pass a completed compromise report within 30 days of their appointment, the Conference Committee will be disbanded and a new Conference Committee will be appointed within 5 days. The new Conference Committee may not contain any of the members of the previous Conference Committee. Again the Conference Committee will have 30 days to reach a compromise agreement on the contested legislation. If the new Conference Committee is unsuccessful, after 30 days a new Conference Committee will be appointed.

Assembly Rule 15. Withdrawing a proposal from committee.

Assembly Rule 15 (1)

(1) No proposal may be withdrawn from any committee until 21 calendar days have expired since the proposal was referred to the committee. After the 21-day period, proposals may be withdrawn either by motion or by petition, but:

Assembly Rule 15 (1) (a)

(a) No bill may be withdrawn from a joint survey committee.

Assembly Rule 15 (1) (b)

(b) No bill requiring, but not having, an emergency statement for passage may be withdrawn from the joint committee on finance or from the committee on rules.

Assembly Rule 15 (2)

(2) The motion to withdraw a proposal from committee shall be in order only on the first day in any week on which the call of the roll is taken under the first order of business. Such motions shall be decided by majority vote.

Assembly Rule 15 (3)

(3) Once a motion to withdraw a proposal from a committee which requires a majority vote fails, all subsequent motions to withdraw that proposal from the same committee shall require a two-thirds majority for adoption and shall be decided without debate.

Assembly Rule 15 (4)

(4) A petition to withdraw a proposal from committee requires the personal signatures of a majority of the assembly's current membership.

Assembly Rule 15 (4) (a)

(a) All such petitions shall be prepared upon request by the chief clerk's office. The chief clerk shall submit a copy to the chairperson of the committee and another to the speaker.

Assembly Rule 15 (4) (b)

(b) Each withdrawal petition signature shall be dated by the signer. Withdrawal petitions may not be circulated prior to the expiration of the 21-day period.

Assembly Rule 15 (4) (c)

(c) Any withdrawal petition shall be filed with the chief clerk who shall immediately examine it for compliance with this rule. All questions concerning the adequacy of a withdrawal petition shall be decided by the speaker.

Assembly Rule 15 (4) (d)

(d) The receipt of each proper withdrawal petition shall be announced by the chief clerk under the 4th order of business on the legislative day following its receipt. The text of the petition, including the names of the signers, shall be reproduced in the journal.

Assembly Rule 15 (5)

(5) Immediately upon adoption of any withdrawal motion or the chief clerk's announcement of receipt of a proper withdrawal petition, the affected proposal shall be taken from committee and placed in the committee on rules for calendar scheduling, but if the withdrawal was from that committee, the affected proposal shall be placed directly on the calendar for the 2nd legislative day thereafter.

Assembly Rule 15 (6)

(6) Whenever a bill is introduced in the assembly or senate under section 227.19 (5) (e) or 227.26 (2) (f) of the statutes, the bill shall be considered reported without recommendation and shall be placed before the committee on rules if no report is received from the standing committee within 30 days of the date of referral. This subsection does not apply if the bill is introduced within 30 days of the time at which no further proposals may be introduced in the regular session under joint rule 83 (2).

-----Original Message-----

From: Dykman, Peter
Sent: Thursday, October 28, 1999 1:41 PM
To: Rep.Staskunas
Subject: RE: drafting request

I would be the attorney drafting this request. However, it needs to be accomplished by the joint resolution establishing the committee of conference. I don't think that it could be accomplished by an amendment to the special session bill. Beside never being done as an amendment to a bill, such a provision would not take effect until the governor signed the bill into law, which makes the amendment to the bill ineffective to establish your new restriction on the committee of conference. While committees of conference can be established under by motion Joint Rule 3 without adopting a joint resolution, such a motion wouldn't provide the restriction that you want but could be provided by a joint resolution.

I do not think that "The Republican leadership has indicated that procedural amendments will be offered" means what you are interpreting it to mean. Under the constitution, a special session is limited to the matters called by the governor, but the legislature is permitted to consider at the special session legislative procedural matters that do not affect substantive law. The assembly rules permit the consideration of legislation pertaining to the organization of the legislature:

Assembly Rule 93 (1) No proposal, or amendment thereto, may be considered by the assembly unless it is germane to the session call or pertains to the organization of the legislature.

The senate rules state this constitutional interpretation with more specificity:

Senate Rule 33 (3)

(3) Resolutions offering commendations, congratulations or condolences, memorializing congress or an individual or affecting senate or legislative rules or procedures are declared not to be

within the meaning of the term "business" under the constitutional provision limiting the matters to be considered during special sessions to such as are enumerated in the governor's call for a special session.

You have other courses of action. You could object to the request for the appointment of a committee of conference. You could vote against the joint resolution creating the committee. You could amend the joint resolution creating the committee. You could amend the bill and the other house could amend the bill as amended by you and so on until a majority of each house votes for the amended proposal. This last approach was used in the seventies and early eighties after the conference committee added new items and decided others to the dissatisfaction of conservative assembly dems and Gov. Lucey vetoed out matters added by the conservative dems. For a while thereafter, the conservative dems refused to appointee committees of conference.

-----Original Message-----

From: Rep.Staskunas
Sent: Thursday, October 28, 1999 11:45 AM
To: Dykman, Peter
Subject: drafting request

We have been informed that the Assembly will be voting on a special session 'budget' provision on Tuesday. The Republican leadership has indicated that procedural amendments will be offered. Therefore, I would like an amendment drafted to the Special Session budget provision we are expected to vote on in the Assembly on November 2, 1999.

I would like the amendment to state that if a Conference Committee does not pass a completed compromise report within 30 days of their appointment, the Conference Committee will be disbanded and a new Conference Committee will be appointed within 5 days. The new Conference Committee may not contain any of the members of the previous Conference Committee. Again the Conference Committee will have 30 days to reach a compromise agreement on the contested legislation. If the new Conference Committee is unsuccessful, after 30 days a new Conference Committee will be appointed.

Please let me know if you have any questions on this drafting request, or forward this to the appropriate drafting attorney, if this is not your area of expertise.

Thank you for your assistance.

Tony
Rep. Staskunas



kmq

1999 ASSEMBLY JOINT RESOLUTION

Now to be

1 **To create** joint rule 3 (5); **relating to:** deadlines for committees of conference to
2 report.

~~original~~
Analysis by the Legislative Reference Bureau

This joint resolution provides that if a conference committee, or a successor conference committee, is unable to agree within 30 days after the appointment of the committee, another conference committee consisting of members who have not served on the conference committee, or a successor conference committee, ~~shall~~ ^{must} be appointed within 5 days and may proceed to further consideration of the proposal or of amendments thereto.

3 ***Resolved by the assembly, the senate concurring, That:***

4 **SECTION 1.** Joint rule 3 (5) is created to read:

5 Joint Rule 3 (5) ~~is~~ If the conference committee, or a successor conference
6 committee, is unable to agree within 30 days after the appointment of the committee,
7 another conference committee consisting of members who have not served on the
8 ~~conference committee~~ conference committee or a successor conference committee shall be appointed within

1 5 days and may proceed to further consideration of the proposal or of amendments
2 thereto.

3 (END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 10/29/1999

To: Representative Staskunas

Relating to LRB drafting number: LRB-3850

Topic

Conference committee time limits

Subject(s)

Legislature - rules

1. JACKET the draft for introduction



in the Senate ___ or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. REDRAFT. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain FISCAL ESTIMATE NOW, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Attorney Peter J. Dykman, General Counsel
Telephone: (608) 266-7098