

**LEGISLATIVE
PROCEDURE
IN KANSAS**



**Kansas Legislative Research Department
November 2006**

LEGISLATIVE PROCEDURE IN KANSAS

Kansas Legislative Research Department
300 SW 10th Avenue
Room 545-N – Statehouse
Phone: (785) 296-3181/FAX (785) 296-3824
Topeka, Kansas 66612-1504
<http://www.kslegislature.org/kldr>

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PREFACE

This is the twelfth edition of a publication which describes the lawmaking process in the Kansas Legislature. The publication is not a complete “legislative manual” or a treatise on parliamentary law. Based on legislative rules, practices, statutes, constitutional provisions, and court decisions in effect prior to the 2007 Legislative Session, this publication is designed for use as a general reference guide for both legislators and the public.

Legislative bills, calendars, journals, and publications of legislative staff agencies are available through the Kansas Legislature’s homepage at:

www.kslegislature.org

The first edition was prepared in 1930 by Dr. Frederic H. Guild and Dr. Clyde F. Snyder of the Bureau of Governmental Research and Service of the University of Kansas. Dr. Guild was later director of the Kansas Legislative Research Department, from 1934 to 1963, and he participated in the preparation of subsequent editions through the fifth one. Richard W. Ryan, who was director of the Department from 1978 to 1996, participated in the preparation of editions six through nine. Ben F. Barrett, director from 1997 to 2002, participated in editions ten and eleven.

This twelfth edition is the product of a cooperative effort by a number of individuals. Raney L. Gilliland, Assistant Director for Research, Mary K. Galligan, Assistant Director for Information Management and J. G. Scott, Chief Fiscal Analyst, Legislative Research Department; Mary A. Torrence, Revisor of Statutes; Pat Saville, Secretary of the Senate; and Janet Jones, Chief Clerk of the House of Representatives reviewed preliminary drafts of the document. A Research Department staff committee comprised of Kathie Sparks, Athena Andaya, Sharon Wenger and Chris Courtwright coordinated

this revision. Other persons contributed to the revision of specific sections of the publication. Our grateful appreciation is extended to all those persons who helped make this revision possible.

Alan D. Conroy, Director
Kansas Legislative Research Department
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SUMMARY OF PROCEDURES



SUMMARY OF PROCEDURES

There are seven basic steps through which a bill normally passes before it becomes law.

Introduction and Reference of Bills. The introduction of a bill constitutes its formal presentation to the House of Representatives¹ or Senate. At this time the title of the bill is read (except for the statutory citations) and the bill is printed for general distribution. Either on the day of introduction or on the next legislative day, the bill is referred to a committee.

Consideration by Standing Committee. The committee meets, holds hearings, discusses the bill, formulates recommendations, and then prepares a committee report for submission to the House or Senate.

Consideration by Committee of the Whole. If reported favorably, the bill goes next to the Committee of the Whole under the calendar heading of General Orders. Eventually, the bill may be debated and be recommended for passage with or without amendments. Any member of the House or Senate may offer amendments and speak for or against the bill.

Final Passage. If recommended for passage by the Committee of the Whole, the bill is placed on the calendar under the heading of Final Action. A roll call vote is taken to determine if the bill will be passed by the house.² To pass the body, the bill must receive a

¹ Hereinafter, the term "House" (upper case) is used in place of "House of Representatives."

² The term "house" (lower case) refers to either the House of Representatives or the Senate.

majority vote of all of the elected (or appointed) and qualified members.

Action by Second House. Having passed the first house, the bill is messaged, or sent, to the second house where the same procedure as before is followed.

If the second house passes the bill without amendment, it is enrolled, *i.e.*, printed in its final form, for consideration by the Governor. If the second house amends the bill and the first house concurs (agrees to accept the amendments), the bill also is considered finally passed. If the first house disagrees with the amendment, a conference committee usually is appointed to work out an agreement. When both houses have approved the report of the conference committee by a majority of all members on a roll call vote, the bill is considered finally passed.

Action by the Governor. Within ten days after passage, the bill must be signed by the presiding officers of each house, the Chief Clerk of the House, and the Secretary of the Senate, and be presented to the Governor. The Governor has ten days after receipt of the bill to act on it. If the Governor does not act on it during the ten-day period, the bill automatically becomes law.

Most bills passed by the Legislature are approved by the Governor. However, the Governor may veto a bill by refusing to sign it and returning it to the house in which the bill originated, together with a statement of the reasons for the veto. In appropriation bills only, the Governor may veto some items and approve the others by signing the bill. The Legislature may pass a bill over the Governor's veto by a two-thirds vote of the elected (or appointed) and qualified members of each of the houses.

Publication of Laws. An act of the Legislature is not in force until the enacting bill has been published so that the public has proper notice that it is law. Publication notice occurs in the Session Laws (on or before July 1) unless the Legislature desires the law to take effect sooner. In this event, it is printed in the *Kansas Register*.³

³ The *Kansas Register* is published weekly by the Secretary of State. It contains a variety of information regarding activities of state government required by law to be noticed or incorporated therein.

FIGURE 1

Abbreviated Flow Chart of Legislative Procedure in Kansas

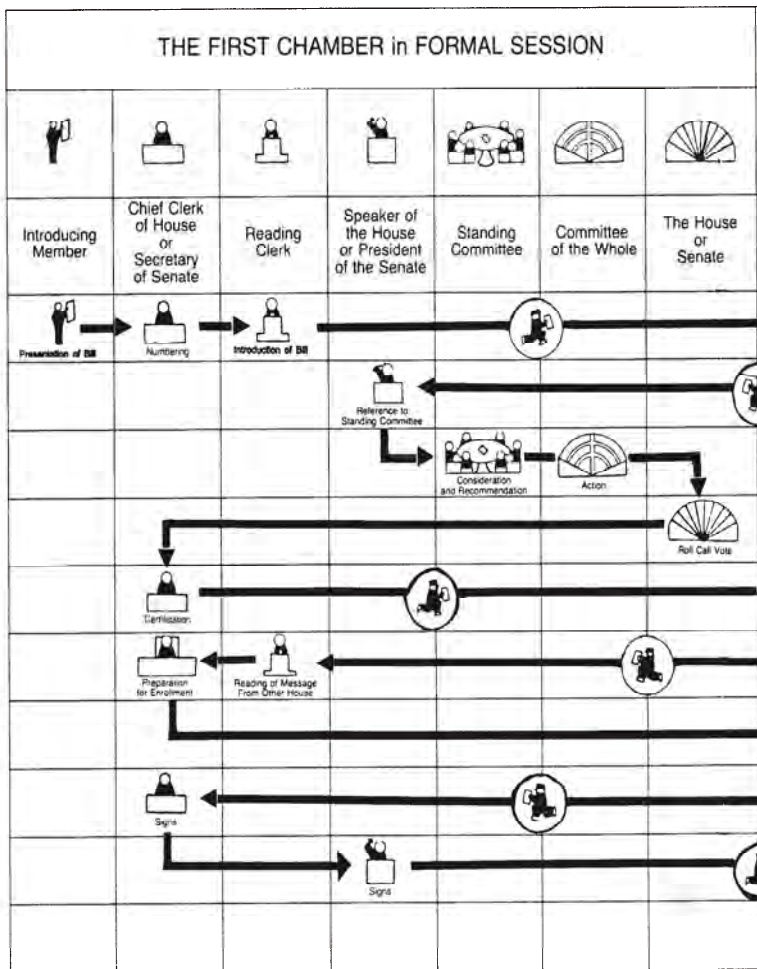
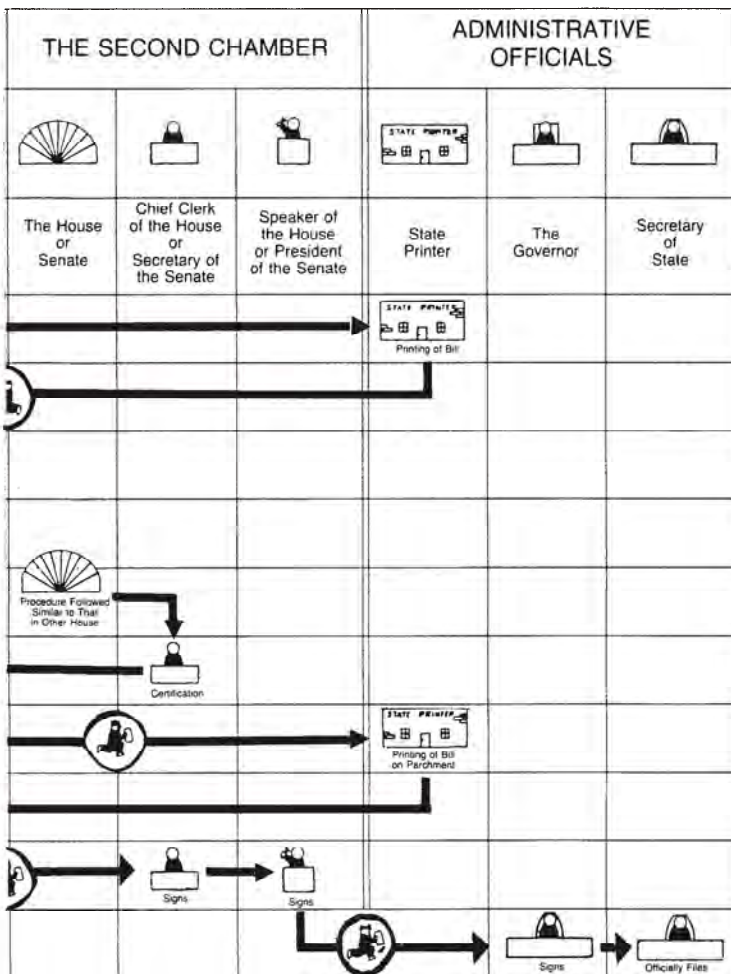


FIGURE 1 (continued)



I.
INTRODUCING THE LEGISLATURE



I. INTRODUCING THE LEGISLATURE

1. The Two Houses. The Kansas Legislature consists of a 125-member House of Representatives and a 40-member Senate. This is the maximum membership authorized by the *Kansas Constitution*.⁴ Subject to these limitations, the number of members of each house is set by law.

Members of the House are elected for a two-year term and senators are elected for a four-year term. These terms begin on the second Monday in January of the odd-numbered year following the election.

The Constitution requires that House and Senate districts be redrawn every ten years (in the year ending in 2) to equalize district population. Districts are based upon the most recent federal census, adjusted to exclude nonresident students and military and to include resident students and military at the place of their permanent residence. By statute, the census adjustment is conducted by the Secretary of State. The Constitution requires that the Kansas Supreme Court determine the validity of legislative redistricting laws before they become effective.

2. Preorganizational Meeting. In the years (even-numbered) in which members of either house are elected, a pre-organizational meeting is held at the state capitol at 10:00 a.m. on the first Monday in December. At that time, the Secretary of State (or a designee) calls the roll of the House or Senate from a certified list of members-elect.

Upon recess that day, party caucuses are held to

⁴ Constitution, Article 2, Sec. 2.

select members for legislative leadership offices for the ensuing terms, and other organizational matters are considered. In the House, these officers are the Speaker, Speaker Pro Tem, Majority Leader, Minority Leader, and other party or caucus officers; in the Senate, these officers are the President, Vice-President, Majority Leader, Minority Leader, and party or caucus officers. Upon reconvening, the reports of the party caucuses are read into the record.

Upon adjournment that day, the Senate party caucuses are held to select members for legislative leadership offices for the ensuing terms, and other organizational matters are considered. The officers are the President, Vice-President, Majority Leader, Minority Leader, and party or caucus officers. Upon convening in January, the reports of the party caucuses are read into the record.

3. Election of Leaders. Each house ratifies the decisions made by the party caucuses at the preorganizational meeting by formally electing its officers at the first meeting in January following the election of the membership of the house and then proceeds with its formal organizational activities. The constitutional requirement is that the organization of the House and Senate is for the duration of the term of the members. The usual practice in successive sessions, until the terms of its members expire, is for each house to continue the same organization by formally adopting a resolution to that effect.

4. Rules. In accord with the state Constitution, each house determines its own rules and the two houses may adopt joint rules. These rules normally are adopted near the beginning of the legislative session following an election of members. The rules are subject

to suspension, amendment, or revocation. In cases where the rules of the house or the joint rules do not apply, the Senate rule provides that *Robert's Rules of Order Newly Revised* governs, while the House rule defers to *Mason's Manual of Legislative Procedure*.

In the House, rules are adopted or changed by resolution. Adoption of such a resolution requires the affirmative vote of a majority of the elected (or appointed) and qualified members. The Speaker must refer a resolution pertaining to the rules to the Standing Committee on Rules and Journal before it is considered by the House. No resolution relating to the rules may be tabled or reported adversely by the Rules and Journal Committee except by a unanimous vote of all members thereof. An exception is that referral to the Rules and Journal Committee is not required at the commencement of the legislative session when the resolution is sponsored by the Speaker or the Committee on Rules and Journal and either a copy of the resolution is mailed to each member of the House by not later than 11:00 p.m. on the Thursday preceding the Monday on which the session begins or the resolution is made available to all members on the first day of the session and consideration occurs on the second day.

In the Senate, changes in the rules generally require a majority vote of the elected (or appointed) and qualified members. Except by unanimous consent, one day's notice must be given before a change in the rules may be considered. An exception similar to that described above for the House permits the expeditious adoption of rules at the commencement of the session. In the Senate, such a resolution is sponsored by the President or any 3 Senators. Rules adopted under this procedure require only a majority vote of the elected (or appointed) and qualified members.

The joint rules are adopted by concurrent resolution approved by a majority of the elected (or appointed) and qualified members of each house. These rules expire at the conclusion of the terms of House members. This means that the joint rules, at the minimum, must be adopted in each regular session that commences in an odd-numbered year. Amendment, suspension, or revocation of the joint rules also requires a constitutional majority vote in each house, assuming at least one day's notice of the proposed change is given. Otherwise, a two-thirds vote of the membership of each house is required.

5. Presiding Officers. The presiding officer of the Senate is the President and of the House, the Speaker. These offices are the only two legislative leadership positions required by the state Constitution. The House and Senate rules prescribe most of the powers and duties of these officers. However, some of their responsibilities are statutory. The practice is that a member from the majority party is elected President or Speaker. The statutes prescribe this election to be the first order of business following the administration of the oath of office to the members. This occurs even before the rules are adopted. These persons actually are nominated before the session begins at a caucus of the majority party and formally elected on the first day. There are no provisions, either in the statutes or in the Senate rules, concerning the procedures to be followed in organizing the Senate in the case of a 20-20 tie in the political party membership of that body.

In both houses, a member is elected to preside when the regular presiding officer is not in the chair. In the Senate, this member is the Vice-President and in the House, the Speaker Pro Tem. Both officers are

nominated by the party caucus of the majority party and formally elected on the first day. These officers preside in place of the President or Speaker when the Senate or House is meeting as such. The Senate rule further provides that a senator may be named by the President or Vice-President to perform temporarily the duties of the chair for the balance of the day. When either house is meeting as the Committee of the Whole, however, another member from either party usually is selected by the President or Speaker, as the case may be, to preside for a day at a time.

6. Duties of Presiding Officers. The duties of the presiding officers of each house are similar, although there are several important differences. Both the President and the Speaker, or in their place, the Vice-President of the Senate and the Speaker Pro Tem of the House, call the houses to order at the time set for meeting each day and see that the proper order of business is followed according to the rules and items on the legislative calendar. They are responsible for recognizing members who wish to make motions, present points of order, make inquiries, or participate in debate, and the Speaker and the President also must sign all bills passed. In the House, the Speaker appoints the standing and other committees and refers bills and resolutions to the appropriate committees. In the Senate, the Committee on Organization, Calendar, and Rules appoints members of the standing committees. However, the President refers bills to committees and appoints members of special and select committees and conference committees. These officers also have certain administrative and housekeeping responsibilities incidental to the operation of the Legislature.

7. Other Legislative Officers. Although the rules do not expressly provide for their selection, each house has

a majority and minority leader and other party officers who are selected by the respective party caucuses (see No. 2). These persons play an important role in organizing and coordinating the activities of their party members with regard to items under consideration by the house.

The rules of the Senate and House establish four main nonmember offices. These are the Secretary of the Senate, Chief Clerk of the House, and the sergeant-at-arms of each house. The Secretary (or Chief Clerk) is assigned the major clerical responsibility for the respective houses and the sergeant-at-arms primarily is responsible for preserving order in and around the legislative chambers. These persons are appointed and removed by the President or Speaker. The Senate authorizes the following assistants to the Secretary: assistant secretary of the Senate, journal clerks, calendar clerks, enrolling clerks, bill status clerk, reading clerk, and bill clerk. In the House, the Chief Clerk appoints and supervises additional clerks and personnel. The assistant sergeants-at-arms of the House and Senate serve under the supervision of the sergeants-at-arms but may be removed by the Speaker or President, as the case may be. All doorkeepers are assistant sergeants-at-arms.

By tradition, each house also appoints a chaplain whose major duty is to offer a prayer at the beginning of each session (legislative day). Additional administrative and clerical employees are recruited under the supervision of the director of legislative administrative services. However, senators are permitted to select their own private secretaries. Salaries of most legislative employees are set by the Legislative Coordinating Council (see No. 88).

8. Limitations on Conduct of Nonlegislators. In an effort to follow orderly procedures and avoid confusion on the floor while the houses are in session, rules have been established to limit access of nonlegislators to the floor and control distribution of materials to the members.

The Senate rule prohibits admission of persons other than senators to the floor, except elective state officers (including House members); friends of senators, upon invitation signed by the President and the senator making the invitation; former senators; legislative branch employees having proper identification; and certain members of the news media. In practice, various key state agency personnel also are routinely admitted to the chamber. Also, the Senate may, by resolution, issue invitations. Persons admitted to the Senate must stay on the perimeter of the chamber, except with express permission of a senator. Members of the news media having a card for admission from the President may occupy the space designated for them in the chamber. They must observe proper decorum and may not lobby for any pending measure. Registered lobbyists are denied access to the floor from 9:30 a.m. to 4:30 p.m. or any other time the Senate is in session. Only state officers, legislative branch employees, and legislators may discuss measures with senators on the floor while the Senate is in session.

The House permits admission of the following classes of persons to the floor, the cloakrooms to the east of the chamber, and the hallway west of the chamber while the House is in session: legislators, officers and employees of the legislative branch having proper identification, and other persons having permits from the Speaker. Registered lobbyists explicitly are excluded from access to the floor during a session.

Both houses prohibit persons in the galleries from using telephones or video equipment at such locations. Also, in both houses, no items or material, except those provided by legislative staff (and, in the Senate, material provided by the Governor and state agencies) may be placed on a member's desk unless it bears the signature or name of the member responsible for the distribution. A Senate rule prohibits occupancy of a senator's chair by another, without approval of and in the presence of the senator, while a House rule prohibits photographic records of a vote of a member on a division of the assembly.

9. Committees. The general public has access to the legislative process through its elected senators and representatives. It should be understood, though, that the Legislature's committee system provides a very important forum for communication of citizen views directly into the legislative process.

FIGURE 2 - Legislative Committees

Standing Committees as of 2006

Senate

House

Agriculture
 Assessment and Taxation
 Commerce
 Confirmation Oversight
 Education
 Elections and Local Government
 Natural Resources
 Federal and State Affairs
 Financial Institutions and Insurance
 Health Care Strategies
 Judiciary
 Organization, Calendar, and Rules
 Public Health and Welfare
 Transportation
 Utilities
 Ways and Means

Agriculture
 Appropriations
 Commerce and Labor
 Calendar and Printing
 Economic Development
 Education
 Environment
 Federal and State Affairs
 Financial Institutions
 Governmental Organization and Elections
 Health and Human Services
 Higher Education
 Insurance
 Interstate Cooperation
 Judiciary
 Local Government
 Rules and Journal
 Taxation
 Transportation
 Utilities
 Wildlife, Parks and Tourism
 Select Committee on Healthcare
 Select Committee on School Finance
 Finance
 Select Committee on Veterans Affairs

Statutory Committees

Administrative Rules and Regulations
 Arts and Cultural Resources
 Children’s Issues
 Corrections and Juvenile Justice Oversight
 Economic Development
 Health Care Stabilization Fund Oversight
 Health Policy Oversight
 Information Technology
 Kansas Security
 Legislative Budget Committee

Legislative Coordinating Council
 Legislative Educational Planning
 Legislative Post Audit
 Pensions, Investments, and Benefits
 Special Claims Against the State
 State Building Construction
 State Finance Council
 State-Tribal Relations
 Workers Compensation Fund Oversight

Standing Committees. Standing committees serve as a vital link in the operation of the Legislature. There are 16 of these committees in the Senate (including the Committee on Organization, Calendar, and Rules) and 24 in the House.

In the Senate, the Committee on Organization, Calendar, and Rules appoints the other standing committees and designates the chairperson, vice chairperson or vice chairpersons, and ranking minority member thereof. The Speaker performs these functions in the House. Senate rules provide for one specific standing subcommittee. This is the subcommittee on calendar of the Committee on Organization, Calendar, and Rules, the membership of which consists of the President, Vice-President, and Majority Leader of the Senate, who is the chairperson.

House and Senate standing committees sometimes utilize subcommittees for temporary assignments. The House Appropriations and Senate Ways and Means committees,⁵ which deal principally with appropriations measures, rely heavily on a network of subcommittees assigned the budgets of various state agencies. Subcommittees are designated by the committee chairperson. The selection of subcommittees is addressed by the rules only in the House.

Most standing committees are created for the purpose of considering proposed legislation and reporting recommendations thereon. As measured by the number

⁵ The term “appropriations/ways and means” is used throughout this volume to denote these House and Senate counterpart committees.

of bills assigned to them, some standing committees traditionally have much heavier workloads than others (e.g., judiciary and appropriations/ ways and means). The number of bills assigned to a standing committee can differ greatly from year to year. In fact, the actual workload of a standing committee cannot be determined solely by the number of bills it considers because the substance of bills and the time required to study them vary greatly.

Standing committees normally meet at a regular time and place each day, although the actual number of meetings held is determined largely by the magnitude of the workload. Weekly committee agendas are prepared and are printed in the calendar and on the Internet in advance of the meetings. These agendas also are distributed to members, legislative staff, the media, and the general public. A chairperson may call a meeting of the committee at any time, the call usually being in the form of a written announcement. Oral announcements of committee meetings are common near the time of deadlines which are applied to consideration of bills late in the session.

Each standing committee has a secretary who attends committee meetings, sees that all members are supplied with copies of bills and other material, and keeps the minutes, including a record of persons who appear before the committee and the action taken by the committee. These minutes are filed with the Division of Legislative Administrative Services and are open for public inspection. The Legislative Research Department and the Revisor of Statutes' Office regularly provide staff assistance for all standing committees. The Legislative Division of Post Audit also provides

assistance to standing committees on specifically selected matters.

On standing committees, the minority party usually is assigned representation approximately proportionate to the number of members in the party in the particular house. The Senate rules require proportionate representation.

Select (Special) Committees. Select committees are created by resolution or by announcement of the Speaker or President. The Speaker, President, or Legislative Coordinating Council appoint select committees and name the chairperson thereof. Select committees normally are assigned a particular matter to review or investigate and cease to exist after their function has been served and when the final report has been issued.

Statutory Committees. In addition, there are several statutory committees. Some of the statutory committees specifically are designated as joint committees. Nevertheless, all are composed of members from both houses. Many of the statutory committees are “permanent” in that the law contains no expiration date for their operation, but a few are created to operate only for a prescribed period of time. There also are some statutory committees or commissions whose membership consists of both legislators and nonlegislators. In contrast to the standing committees, statutory committees meet throughout the year, but mostly during the interim period.

10. Legislative Session. From statehood until 1877, the Legislature met in regular session each year. For the next 78 years, through 1955, regular sessions were held biennially in the odd-numbered years. So

that the Legislature could meet to review and adopt an annual budget instead of the previous biennial ones, a constitutional amendment was adopted in 1954 which required a budget session, limited to 30 calendar days, to consider budgetary and related revenue matters only. The first budget session was held in 1956. At the November, 1966 election, the voters approved a constitutional amendment which provided for annual general sessions. The session in the odd-numbered year was of unlimited duration unless the Legislature itself adopted restrictions. In the even-numbered years, the session was limited to 60 calendar days unless two-thirds of the elected members of each house voted to extend it. A constitutional amendment adopted at the 1974 general election extended the duration of the session held in the even-numbered years to 90 calendar days, still subject to extension by a vote of two-thirds of the elected membership of each house.

The date on which the Legislature convened, the date of the final adjournment, and the total calendar days included in sessions since 1969 are shown below:

Session	Convvene	Adjourn	Total Calendar Days
1969	Jan. 14	Apr. 26	95
1970	Jan. 13	Mar. 23	62
1971	Jan. 12	Apr. 20	90
1972	Jan. 11	Mar. 28	71
1973	Jan. 9	Apr. 19	93
1974	Jan. 8	Mar. 27	64
1975	Jan. 13	Apr. 24	94
1976	Jan. 12	Apr. 23	94
1977	Jan. 10	Apr. 29	92
1978	Jan. 9	Apr. 26	93
1979	Jan. 8	Apr. 28	95
1980	Jan. 14	May 3	92
1981	Jan. 12	May 4	95
1982	Jan. 11	Apr. 29	93
1983	Jan. 10	Apr. 24	96
1984	Jan. 9	Apr. 29	94
1985	Jan. 14	Apr. 27	95
1986	Jan. 13	Apr. 27	96
1987	Jan. 12	May 4	96
1988	Jan. 11	May 3	98
1989	Jan. 9	May 2	98
1990	Jan. 8	May 5	100
1991	Jan. 14	May 5	103
1992	Jan. 13	May 9	100
1993	Jan. 11	May 1	92
1994	Jan. 10	May 3	92
1995	Jan. 9	Apr. 29	89
1996	Jan. 8	May 2	94
1997	Jan. 13	May 5	92
1998	Jan. 12	May 3	91
1999	Jan. 11	May 2	91
2000	Jan. 10	Apr. 29	90
2001	Jan. 8	May 7	98
2002	Jan. 14	May 16	107
2003	Jan. 13	May 6	85
2004	Jan. 12	May 8	89
2005	Jan. 10	April 30	82
2006	Jan. 9	May 10	93

Beginning in 1980, adjournment dates began occurring later in the year, generally from mid-May to early June. However, the adjournment date may bear little relationship to the length of the session. Normally, the Legislature schedules a first adjournment early in April and a “wrapup” session in the latter part of that month.⁶ For all practical purposes, the session ends during the last few days in April or early in May. *Sine die* (final adjournment), which mainly is ceremonial, is fixed at a convenient date at some time after the Governor has had the opportunity to act on all measures.

Special Sessions. The Governor may call a special session of the Legislature whenever the Governor believes it warranted. A special session must be called when the Governor receives a petition for that purpose signed by at least two-thirds of the members elected to each house. Such sessions nearly always are necessitated by one or two important matters of state which the Governor specifies at the time of the call. However, once in session, the Legislature may act on any matter as if it were in the regular session. Special sessions rarely are convened. Since 1930, for example, there have been eleven special sessions: 1930, 1933, 1934, 1936, 1938, 1958, 1964, 1966, 1987, 1989 and 2005. There have been only three special sessions since the Legislature returned to regular annual sessions in 1967.

Interim Activities. The work of the Kansas Legislature is not confined exclusively to meeting in regular or special session. The four-month period when

⁶ This pattern has been altered since the 1994 session when one additional break of five calendar days was added just before the traditional first adjournment break. During this time, the focus of the Legislature’s work is on conference committee activities.

the Legislature is in regular session highlights the legislative cycle, but the actual work of the Legislature continues throughout the year. As soon as one regular session ends, preparation for the next one begins. In recent years, this preparation principally has involved the appointment of numerous special committees by the Legislative Coordinating Council. It also includes the discharge of ongoing responsibilities assigned by statute to several committees.

The special committees created by the Legislative Coordinating Council, which normally are composed of both House and Senate members, conduct studies of various proposals for legislative action. The special committees, usually appointed in June, typically meet monthly from June through November while studying proposals assigned to them. They are required to report to the Legislative Coordinating Council by no later than December 1, unless granted an extension of time. The Legislative Research Department and the Revisor of Statutes' Office provide staff for the special interim committees. Legislative Research Department staff prepare final reports for each study proposal assigned to a committee, while revisors' staff prepare any requested bill or resolution drafts. Recommendations made by the committees are described in these reports. The committee reports are compiled into the *Report on Kansas Legislative Interim Studies*. This volume is made available to all members of the Legislature and interested individuals and groups prior to the beginning of the regular session in January.

The statutory committees, the number of which has increased in recent years, also meet during the interim period (see previous discussion under No.

9) and issue reports concerning their activities and recommendations.

II. TYPES AND STRUCTURE OF ACTS



II. TYPES AND STRUCTURE OF ACTS

11. Types of Acts. Legislative acts may be described according to subject, *e.g.*, appropriation acts, school laws, environmental protection laws, consumer protection laws, criminal laws, concurrent resolutions to amend the Constitution. Another method of classification is to separate those which are of general nature from those which are of special or limited application. But, regardless of how they may be described or classified, all acts enjoy equal status as acts of the Legislature.

In terms of the actual legislative procedure, however, the main distinction relates to the form of the act, which is new, amendatory, or repealing, or any combination of the three. An independent act usually contains a “new” topic or represents a fundamental change in, or major revision of, existing laws. Thus, a new act normally does not amend the law section by section. Recodification of laws frequently takes this form. An amendatory act, in contrast, changes the language in some existing law. A repealing act is one which does nothing but rescind, in whole or in part, an existing act or acts. (Examples of these three types are shown in Figures 3, 4, and 5, respectively.)

An act cannot be amended by mere reference to its title. The Constitution requires that a new act contain the entire section that is being amended and that such section be repealed.

The procedure used in printing the enrolled bills and publishing the Session Laws indicates clearly the changes made in existing statutes and new sections added to the law.

FIGURE 3

New Act

Session of 2005

SENATE BILL No. 79

By Committee on Elections and Local Government

1-21

9 AN ACT concerning the attorney general; establishing an office of public
10 integrity.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) There is hereby established within the office of the
14 attorney general the office of public integrity. Such office shall receive
15 the written complaints from individuals alleging violations of the open
16 records act, K.S.A. 45-215 et seq., and amendments thereto, and open
17 meetings act, K.S.A. 75-4317 et seq., and amendments thereto.

18 (b) Upon receipt of a complaint under subsection (a), the public in-
19 tegrity officer may:

20 (1) Refer the complaint to the appropriate county or district attor-
21 ney's office for investigation and possible action; or

22 (2) investigate the complaint to determine if a violation has occurred.
23 If, after investigation, the public integrity officer determines that:

24 (A) No action need be taken on the complaint, a letter shall be sent
25 to the parties detailing such officer's conclusions; or

26 (B) a violation has occurred, such officer's conclusion and underlying
27 reasons shall be made public in a written statement.

28 (c) On or before December 31, of each year, each county and district
29 attorney shall report to the attorney general all complaints received during
30 the preceding fiscal year concerning the open records act and open meet-
31 ings act and the disposition of each complaint.

32 (d) The attorney general shall compile information received pursuant
33 to this subsection with information relating to investigations conducted
34 by the public integrity office and publish a yearly abstract of such infor-
35 mation listing by name the public agencies which are the subject of such
36 complaints or investigations.

37 Sec. 2. This act shall take effect and be in force from and after its
38 publication in the statute book.

FIGURE 4

Amendatory Act

Session of 2005

SENATE BILL No. 21

By Joint Committee on Pensions, Investments and Benefits

1-10

9 AN ACT concerning retirement and pensions; relating to the Kansas
 10 public employees retirement system; certain payments for a claim on
 11 a canceled warrant; amending K.S.A. 10-813a and repealing the exist-
 12 ing section.

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 10-813a is hereby amended to read as follows: 10-
 15 813a. (a) Any balance accrued from any unpaid canceled warrant issued
 16 pursuant to the Kansas public employees retirement act shall remain in
 17 the Kansas public employees retirement fund and shall be disbursed in
 18 accordance with provisions of law relating to such fund.

19 (b) *The director of accounts and reports is authorized to make pay-*
 20 *ment to any claimant of the Kansas public employees retirement system*
 21 *entitled to such payment for a claim on a warrant which was canceled*
 22 *pursuant to the provisions of K.S.A. 10-811, and amendments thereto.*
 23 *Entitlement to claim payment on a canceled warrant shall expire on the*
 24 *date four years from the date of cancelation of such warrant. Any such*
 25 *payment shall be in an amount equal to the amount denoted on the can-*
 26 *canceled warrant less the administrative costs of reissuing the warrant. Such*
 27 *administrative costs shall be established by the board of trustees of the*
 28 *Kansas public employees retirement system.*

29 Sec. 2. K.S.A. 10-813a is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
 31 publication in the statute book.
 32

FIGURE 5

Repealing Act

Session of 2005

SENATE BILL No. 184

By Committee on Transportation

2-3

9 AN ACT repealing K.S.A. 75-5010; concerning the division of aviation of
10 the Kansas department of transportation.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 75-5010 is hereby repealed.

14 Sec. 2. This act shall take effect and be in force from and after its
15 publication in the Kansas register.

12. Structural Parts of Acts. The essential parts of an act are the title; the enacting clause; the body, which consists of one or more sections, unless the act is a repealing act; a repeal section, when applicable; and a section designating when the act shall take effect. The body of an act may include items such as definitions and a penalty section.

Title. Every act must have a title. No bill, except appropriation bills and bills for revision or codification of statutes, may contain more than one subject. That subject must be expressed in the title. The title of an independent act describes the general subject of the act. The title of an amendatory or repealing act also specifies the act or part thereof which is to be amended or repealed.⁷ The title of a bill always is preceded by a notation indicating the session in which the bill was introduced, a number (such as Senate Bill No. 713), the name of the sponsor, and the date of introduction.

Enacting Clause. The enacting clause of all laws, as prescribed by the Constitution, is: "Be it enacted by the Legislature of the State of Kansas." This formal enacting clause distinguishes an act from a resolution, which contains a resolving clause (Figure 6). The enacting clause is a vital part of an act. Consequently, a method sometimes used to kill a bill is a motion to strike the enacting clause.

Body. The body, which contains the substance of the act, usually is divided into sections which are

⁷ House Rule 3901 requires that any bill intended to amend or repeal a section in the Kansas Statutes Annotated recite in its title the sections sought to be amended or repealed, and if to amend or repeal a session law not contained in the statutes, the section and chapter of any session law affected.

numbered consecutively. These sections are used as a convenient method of grouping together those provisions of the act which are most nearly related and to aid in legal reference to the act. Sections are constitutionally recognized units of legislation.

An occasional bill and nearly all resolutions contain a preamble explaining why the proposal is necessary or desirable. The preamble is placed between the title and enacting or resolving clause. Sometimes a statement of legislative intent and purpose is included in the opening sections of major acts.

Within the body of an act, it is common to include a section defining the terms used in a bill. A “definitions” section is particularly valuable in lengthy bills, such as re-codifications, or bills having particularly technical subject matter.

If a law requires or prohibits the doing of certain things, a penalty section frequently is included (but not always as an independent section), providing for the imposition of some punitive action for violating the act.

A provision sometimes is added to clarify the interpretation of the relation of the new act to some other law. Following is an example of such a provision:

The secretary of social and rehabilitation services shall apply for waiver of federal law or regulation as necessary to implement the provisions of this act. The secretary . . . shall not implement any provision of this act if . . . implementing such provision would have the effect of spending more state general funds than appropriated

or reducing or eliminating federal matching funds or other federal funds.

If an act only repeals statutes, the act has no body other than the repeal section

Repeal Section. Amendatory acts and repealing acts contain a specific repeal section (Figure 7). The Constitution requires that when a section of a statute is amended, the older section must be repealed. The courts have held, however, that if a Legislature fails to declare such specific repeal, it is judicially considered as done nevertheless.

Severability. It is a general principle of constitutional law that if a certain provision of a legislative act is held by the courts to be unconstitutional, the entire act will not be voided if the part held unconstitutional is sufficiently separable from the remainder of the act that the invalid portion will not render the purpose of the entire act meaningless and if it may be presumed that the Legislature would have enacted the remainder independently. This is referred to as the principle of severability. It is common in complex legislation to find a clause which declares it to be legislative intent that the provisions of the act are to be construed as being severable. Following is an example of such a provision:

If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or application. To

this end, provisions of this act are severable.

Time When Acts Take Effect. An act takes effect only when it has been published as provided by law. Laws take effect upon publication in the Session Laws, unless otherwise specified in the act. It is the usual practice to designate in the last section of the act the time at which it shall take effect. The most common provision is: "This act shall take effect and be in force from and after its publication in the statute book." This means publication in the "Session Laws" which are published after each session of the Legislature, usually on July 1 (KSA 45-310). A statutory provision applicable to certain appropriation bills (bills that appropriate or transfer money from the state general fund for the next fiscal year) requires that these bills contain a provision stating that the bill takes effect from and after the effective date of the Omnibus Reconciliation Spending Limit Bill. (For a discussion of the budget process, see Chapter XXII.)

When there is reason for desiring the act to take effect earlier, the language commonly used is: "This act shall take effect and be in force from and after its publication in the *Kansas Register*." The law is silent concerning the length of time that may transpire between approval of a bill by the Governor and its publication in the *Kansas Register*.

Occasionally, a third procedure is followed. The Legislature can direct that the act take effect on some specific date subsequent to publication, or, in the case of certain appropriation bills, sometime after the effective date of the Omnibus Reconciliation Spending Limit Bill. Also, different provisions of the act may be

written to become operative at different times (but not prior to publication).

FIGURE 6

Senate Resolution

SENATE RESOLUTION No. 1851

A RESOLUTION recognizing the 150th anniversary of the Battle of Black Jack.

WHEREAS, The State of Kansas was born in the struggle between pro and anti-slavery factions in the United States; and

WHEREAS, Because of this struggle, the armed conflict that was the American Civil War began in Kansas; and

WHEREAS, The first incident in that armed conflict took place along Black Jack Creek in southeastern Douglas County, Kansas Territory, on June 2, 1856, between a free-state militia lead by John Brown and a pro-slavery militia led by Henry Clay Pate; and

WHEREAS, John Brown called this action, that has come to be called the Battle of Black Jack, “the first regular battle between free-state and pro-slavery forces in Kansas”; and

WHEREAS, The first use of the term “civil war” by national newspapers to describe the armed conflict between pro and anti-slavery forces was in the coverage of the Battle of Black Jack; and

WHEREAS, Being the first recorded battle in the American Civil War, the Battle of Black Jack is important to the history of Douglas County, the State of Kansas, and the United States of America; and

WHEREAS, The 150th anniversary of the battle is June 2, 2006: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate recognizes both the unique position held by the Battle of Black Jack in the history of Douglas County, the State of Kansas, and the United States of America, and the importance of preserving the site of the battle for future generations; and

Be it further resolved: That all citizens of the State of Kansas are urged to observe the sesquicentennial commemoration of the battle on June 2, 2006.

Senate Resolution No. 1851 was sponsored by Senator Roger Pine.

I hereby certify that the above RESOLUTION originated in the SENATE, and was adopted by that body

President of the Senate.

Secretary of the Senate.

FIGURE 7

Repeal Section of Amendatory Act

1260

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ments thereto, the drug and alcohol assessment as provided in K.S.A. 2005 Supp. 21-4729, and amendments thereto.

(c) The presentence report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, *risk and needs assessments* and drug and alcohol reports and assessments shall be accessible only to the parties, the sentencing judge, the department of corrections, and if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220 and amendments thereto to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence report.

(e) The presentence report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) The court can take judicial notice in a subsequent felony proceeding of an earlier presentence report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.

Sec. 4. K.S.A. 2005 Supp. 21-4714, 75-5220 and 75-5291 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 9, 2006.

III.
BILL INTRODUCTION
AND REFERENCE



III. BILL INTRODUCTION AND REFERENCE

13. Laws Enacted by Bill. According to the Constitution, no law may be enacted except by bill. Accordingly, proposed laws are introduced and passed in bill form and each is known as a “House Bill” or “Senate Bill.”

14. Drafting of Bills. Staff members of the Revisor of Statutes Office draft bills, resolutions, and other legislative documents upon request of any member or committee of the Legislature. Revisor’s staff also advise and provide legal consultation services to any member or committee of the Legislature. Another duty of the revisor is to recommend to the appropriate committees of each house bills designed to update or clarify existing laws or to delete obsolete provisions.

15. Preparation of Bills. When prepared for introduction, bills are written on 8.5 x 14 inch sheets. Multiple copies of each bill are made. The original and additional copies are enclosed in a bill envelope, on which appropriate places are provided for the number of the bill, the date on which introduced, the committee to which referred, the recommendation of the committee, and other subsequent action on the bill. For the purpose of distinguishing House and Senate bills and resolutions, envelopes of different colors are used.

16. Who May Introduce a Bill. Any member or any standing committee, an interim committee of either house, and certain statutory committees may introduce a bill. Sometimes bills are introduced by two or more members (of the same house) as joint sponsors. All regular appropriation bills are introduced by the

Appropriations/Ways and Means Committees. Bills sometimes are introduced by a member or committee at the request of a constituent with the notation “By Request” appearing after the author’s name on the printed bill and in the journal. A “By Request” designation often suggests that the member or committee who introduced the bill is not necessarily an advocate for it.

17. When Bills May be Introduced. The Constitution states that bills may originate in either house. In its joint rules, the Legislature has set time deadlines for the introduction of bills by members and most committees. The rule allows each house, by a resolution adopted by a majority vote of the members, to make exceptions to the deadlines. The rule also provides that upon adoption of a concurrent resolution by a majority vote of the members of each house, a different schedule may be observed for the session. (See Chapter XIII for a more detailed discussion of legislative deadlines.)

House bills may be introduced according to House rules as the first order of business of each house (following the taking of the roll and the prayer and pledge of allegiance). Senate rules allow the introduction of bills at any time. Bills may be introduced at any other time during the day, however, either by unanimous consent or by adoption of a motion to suspend the rules.

18. How Bills are Introduced During the Session. A member who desires to have a bill introduced gives the bill to the Chief Clerk of the House or Secretary of the Senate prior to or during the order of business Introduction of Bills and Concurrent Resolutions. The Chief Clerk or Secretary assigns the bill a number in the order in which the bill is received. On the proper order of business (Introduction of Bills and Concurrent Resolutions) the Chief Clerk hands the bill to the

reading clerk who reads it by number and title, except for citations to statutes amended or repealed. Bills introduced by committees usually are filed by the committee chairperson. There is no limit on the numbers or types of bills a member or committee may introduce. Bills that have passed one house are introduced in the second house upon reading in the second house of the title and the message announcing passage of the bill.

The Constitution provides that bills and concurrent resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no adjournment. This means, for example, that bills introduced in 2005 and not acted upon are carried over to the 2006 session. Upon final adjournment in 2006, all bills still under consideration automatically die.

19. Prefiling of Bills. Bills and resolutions may be prefiled under certain conditions. In election years, senators-elect or representatives-elect may prefile bills after they have received their certificates of election from the Secretary of State until 5:00 p.m. on the Friday preceding the day of the convening of the next regular session; from the adjournment of the regular session in the odd-numbered year until 5:00 p.m. on the Friday preceding the day of the convening of the regular session in the even-numbered year; and, in the case of senators, from the date of each general election of representatives at which senators are not regularly elected until 5:00 p.m. on the Friday preceding the day of the convening of the next regular legislative session. Standing committees may prefile at any time when an individual member of that house of the Legislature may prefile, although such committees do

not normally meet during the interim. Upon a majority vote by a standing committee, the chairperson or vice-chairperson prefiles bills on the committee's behalf. Special committees may prefile bills upon approval of the Legislative Coordinating Council.

Whenever a bill is prefiled, the original copy must be accompanied by a statement of inspection of the form of the bill, signed by the Revisor of Statutes or an assistant. The usual practice is that the Revisor's Office, having secured written authorization from one of the bill's sponsors, delivers the bill to the Secretary of the Senate or the Chief Clerk of the House. There may be no changes in the sponsorship of a bill or resolution while the bill remains in the Secretary's or Chief Clerk's possession.

The Chief Clerk or Secretary instructs the Revisor of Statutes regarding the numbering of prefiled bills. The Revisor, after consultation with the Clerk or Secretary of the Senate, gives the bill the assigned number. Prefiled bills, when delivered to the Chief Clerk of the House or Secretary of the Senate, are deemed properly introduced. They are read in the same manner as other bills. Any failure to comply with the procedural requirements of the prefiling law does not affect the validity of the bill or resolution.

20. Bills from Other House. When a House bill has passed the House, it is taken or sent to the Senate by the Chief Clerk, and is properly receipted by the Secretary of the Senate. Senate bills passed by the Senate are similarly transmitted to the House by the Secretary and are receipted by the Chief Clerk. A bill introduced in and passed by one house, when transmitted to the other, is accompanied by a message informing the second house of its passage by the first.

Upon receipt of this message in the second house, the title of the bill is read. This constitutes the introduction of the bill in the second house.

21. Reading and Reference of Bills. The introduction of a bill represents the formal presentation of the proposal to the legislative body. The rules provide that the reading clerk must read the bill by its title, except for citations of statutes being amended or repealed. If the bill has only one or two sponsors, the reading clerk recites each sponsor's name, but if there are more than two sponsors, the name of the first sponsor listed is the only name read. Once the bill has been read it is referred to the appropriate standing or select committee.⁸ A bill also may be referred to the Committee of the Whole. Although reference of a bill to committee may occur on the same day the bill is introduced, the more common practice is that reference occurs on the following legislative day. In the House, these references are made by the Speaker; in the Senate, by the President.

Sometimes, immediately following a bill's introduction, the President or Speaker announces the reference of the bill. However, the usual practice is that on the following legislative day the name of the committee to which the bill is referred is printed in the calendar under the title of the bill.

The author of a bill sometimes confers with the presiding officer beforehand and indicates a preference concerning the committee to which the bill is referred. A bill introduced by a committee usually is referred for consideration to the committee that sponsored the bill,

⁸ Assignment of a bill to a select committee is rare. See No. 9 for explanation of the purpose of select committees.

but this depends largely upon the subject matter of the bill. Occasionally, bills are withdrawn from a committee and rereferred to another committee by the President or Speaker or by motion. Or, a standing committee report may include the recommendation that a bill be assigned to another committee; however, this recommendation is not binding on the President or Speaker. A bill coming from the first house usually is referred to the committee of the second house which is the counterpart of the committee that considered the bill in the first house.

Most bills are referred to one of the standing committees. However, the Speaker or President may refer a bill or resolution to two or more standing committees jointly or separately. A bill that is jointly referred is considered by the committees meeting jointly, with the chairperson of the first committee named acting as the chairperson of the joint committee. Bills which are separately referred are considered by the committees in the order directed by the Speaker or President. This is in the same order as the designation of the committees. In recent years, limited use has been made of separate referrals. Joint referrals are rare.

With certain limitations, the rules provide that, at the discretion of the presiding officer, bills may be referred to the Committee of the Whole and go directly on General Orders. However, the more common practice has been to refer bills to standing committees for consideration.

Although bills ordinarily are referred to the appropriate standing committee or to the Committee of the Whole, if the house is of the opinion that an emergency exists for immediate action on any bill, the rules may be

suspended by a two-thirds⁹ vote and the bill advanced directly to Final Action, subject to amendment, debate, and roll call vote. This practice occurs most frequently during the last days of a session.

22. Printing of Bills. Bills are printed as soon after introduction as possible (usually by the next legislative day). All bills which amend existing statutes are printed with any words, sentences, or sections proposed to be omitted in strike-type and any new language proposed in italics. Whole new sections in such bills are identified by the term “New Section” or “New Sec.” Other printing marks are used to denote changes made at the various stages through which a bill passes. For ease of reference during amendment and debate, all bills are printed with each line of each page numbered separately. (Figure 8 illustrates the bill printing procedure.)

⁹ In the Senate, the requirement is two-thirds of all senators then elected (appointed) and qualified; in the House, the requirement is two-thirds of the members present in the House. The rule in the House is the same as the requirement of the *Kansas Constitution*.

FIGURE 8

BILL PRINTING PROCEDURE

The Director of Printing prints all bills and resolutions by order of either the House of Representatives or the Senate. The most recent printing of a bill or resolution will show all of the changes made at a previous stage. The following is an explanation and illustration of the system.

Roman Type	1. Existing law not being changed will be shown in Roman type. (e.g., Roman type.)
Roman Strike Type	2. Where existing statutes or portions thereof are being repealed, the material removed will be in Roman strike-type. (e.g., Roman strike type .)
<i>Italic Type</i>	3. <i>New material within an existing section proposed by the author will be shown in Italic type.</i> When the author proposes whole new sections of law, the material will be shown in Roman type and the section heading will be printed in Italic type. The word "New" will precede the section and number. (e.g., <i>New Section 1 or New Sec. 2</i>) New material will be shown this way regardless of whether a Senator, Representative, or Committee is the author.
Boldface Type	4. Boldface type has been assigned to the House of Representatives. When new material is added by a House committee, the next printing will show such amendments in boldface type.
[Boldface Type and Brackets]	5. [Material added by a House Committee of the Whole amendment will be shown in subsequent printings as boldface type, in brackets.]
Boldface Italic Type	6. <i>Boldface Italic type has been assigned to the Senate. Anytime a committee of the Senate adds new material, it will be shown in boldface Italic type in future printings.</i>
[Boldface Italic and Brackets]	7. [<i>Amendments made in the Senate by the Committee of the Whole will be shown in boldface Italic type, in brackets.</i>]
Strike Type Strike Type	8. Whenever the HOUSE OF ORIGIN deletes material that had been proposed by the author or added at any stage after introduction, that material being stricken will be shown in strike type. (e.g., Strike-type or strike type .)
Double-Strike Type Double-Strike Type	9. Whenever the OTHER HOUSE deletes material from the bill as passed by HOUSE OF ORIGIN, that material being stricken will be indicated by double-strike type. (e.g., Double-strike type or Double-strike type .)

IV.
CONSIDERATION OF BILLS BY
STANDING COMMITTEES



IV. CONSIDERATION OF BILLS BY STANDING COMMITTEES

23. Committee Meetings. House committees normally meet at the time and place assigned by the Speaker on the call of the committee chairperson. A seldom-used House rule is that a committee meeting must be called upon the written request of any three committee members. This request is submitted to the Speaker and chairperson at least one legislative day in advance. The time and place of such a meeting is set by the chairperson with the approval of the Speaker. Senate committees also meet at specific times and places. The rules provide that the chairperson may designate another member to preside in the absence of the chairperson and vice-chairperson. While House rules are silent on this point, a similar procedure is followed. Nearly all standing committees of both houses do meet at a regularly scheduled time and location.

House rules permit the chairperson of a standing committee to appoint subcommittees to perform duties on an informal basis. Subcommittees are utilized by Senate standing committees even though, with the exception of the Committee on Organization, Calendar, and Rules, the Senate rules do not address this matter. For several years, the Appropriations/Ways and Means Committees were the only substantive committees that systematically used a series of subcommittees in carrying out their responsibilities. Other committees tend to utilize subcommittees on an ad hoc basis. The trend in recent years has been toward greater reliance on subcommittees.

Weekly committee agendas are published in advance in the calendar and on the Internet and the meetings

virtually always are open to the public.¹⁰ Any person who has an interest in a bill under consideration usually is permitted to present arguments for or against the bill or any of its detailed provisions. Some interest groups have persons designated to attend committee meetings on a regular basis as observers. Individuals and groups wishing to address a bill customarily contact the committee secretary to secure a place on the agenda. When a particular bill arouses widespread public interest, a general public hearing may be held at which any person interested may attend to listen or to present arguments. As a matter of courtesy, the author of a bill normally is notified when the bill is to be considered by a committee. This affords the author an opportunity to plan in advance for an appearance before the committee.

Procedures in committee meetings usually are informal, with only a general adherence to formal parliamentary rules. Since committees are creatures of their parent body, once a report of a committee is accepted by the entire house, the procedures the committee used cannot be challenged. Generally, a committee is bound by the rules of procedure of the house. In Kansas, this means the rules as adopted by the house or the joint rules adopted by both houses and supplemented in the Senate by *Robert's Rules of Order Newly Revised* and in the House by *Mason's Manual of Legislative Procedure*.

The law authorizes the appropriations/ways and means committees to meet in the interim between sessions. Such meetings, which usually are held in odd-numbered years, are for the purpose of visiting the various state institutions. The chairpersons of the House and

¹⁰ Some committees occasionally have an executive session in accord with the Kansas open meetings act or the compulsory process statutes.

Senate Appropriations/Ways and Means Committees may attend (or be represented by another member of the committee) the Governor's hearings on the budget requests of agencies prior to each legislative session. Specific statutory authority also permits the Legislative Post Audit Committee, Joint Committee on State Building Construction, Joint Committee on Information Technology, Joint Committee on State-Tribal Relations, and certain other committees composed of both legislators and nonlegislators to meet throughout the year. Other interim legislative activities are under the jurisdiction of the Legislative Coordinating Council.

24. Time for Consideration of Bills. The Senate rule authorizes but does not require a committee to report on a bill to the Senate. However, if a committee fails to report a bill, it may be withdrawn from the committee and placed on general orders. Such a motion must be in writing, and it must give the reasons for withdrawal from the committee. The motion is considered on the next legislative day and requires 24 votes of the elected (or appointed) membership for adoption. The House rule is different from the Senate version in that the committee is supposed to submit its report within ten legislative days after the reference. After ten legislative days, however, any matter may be withdrawn from the committee by an affirmative vote of 70 members of the House.¹¹ As in the Senate, the motion in the House to withdraw a bill from a committee must be in writing and must give the reasons for the withdrawal. The motion is read by a clerk of the house or by the member and is considered on the next legislative day following introduction. In both houses, this motion may be offered under the order of business pertaining to introduction and notice

¹¹ An exception is that resolutions relating to adopting or amending the rules of the House may be withdrawn from the Committee on Rules and Journal at any time by an affirmative vote of 63 members.

of original motions and resolutions, may address only one bill, and may not be amended or debated.

The joint rules also fix deadlines for introduction and consideration of bills by certain committees and by either house.

25. Committee Function. The committees deliberate on the bills referred to them, decide what recommendations they wish to make, and submit these recommendations to the House or Senate. If the committee desires to recommend amendments to the bill, these are to be indicated in a report by referring to page and line numbers of the printed bill. Amendments must be germane to the subject of the bill.

Senate rules provide that the sponsor of a bill or amendment or any member of the committee may request that the sponsor's intent be stated in the committee minutes. The Senate rules also permit a member of a committee to demand division of the vote. (The usual practice in committees is to take a voice vote on a question.¹² A division normally is used to eliminate any uncertainty as to the majority vote on a measure. It also aids at the time of the vote in identifying how members voted on the question, but it is not a roll call vote.) The chairperson must record such a vote as a part of the committee minutes. House rules provide only that the total vote for and against each action shall be recorded in the minutes.

26. Committee Recommendations. After it has completed consideration of a bill, a standing committee reports its recommendations to the House or Senate, as the case may be. A report is addressed to the presiding

¹² An exception is the Senate Ways and Means Committee which traditionally has taken a roll call vote on the question of recommending a bill for passage.

officer of the house in which the bill is pending. It contains the name of the committee making the report, the number of the bill on which the report is made, the title of the bill, the committee's recommendation, and the signature of the chairperson or other person authorized to submit the report.

The report of a standing committee usually includes one of the following recommendations.

That the Bill be Passed. When the committee is of the opinion that the bill, as introduced, merits consideration and requires no changes, the recommendation is merely that the bill "be passed" (Figure 9).

That the Bill be Passed as Amended. If the committee believes the bill should pass, but that certain changes should be made therein, the committee prepares the amendments and reports them to the house. When the report is for passage with amendment, the recommendation is that the bill "be amended" by making the changes proposed by the committee, "and the bill be passed as amended" (Figure 10) .

That the Bill Not be Passed. When the committee is of the opinion that the bill does not merit further consideration, either in the original or an amended form, the recommendation is that the bill "be not passed."

That a Substitute Bill be Passed. Occasionally, a committee proposes amending a bill by the use of a substitute bill. In such a case, the committee recommends passage of the substitute. This usually occurs when the amendments proposed to the original bill make numerous and extensive changes in the language of the bill.

Report Without Recommendation. When the committee is unable to decide upon a recommendation, or does not wish to assume the responsibility for making one, but believes a bill should be brought before the whole house for consideration, it reports the bill to the house “without recommendation.”

That the Bill be Placed on the Consent Calendar. If the committee is of the opinion that a bill is noncontroversial and without committee amendments, a recommendation may be made that the bill be passed and be placed on the consent calendar.

That the Bill be Rereferred to Another Committee. If the committee is of the opinion that the bill falls more properly under the jurisdiction of some other committee, the recommendation is that the bill “be rereferred to the Committee on” This recommendation is not binding on the presiding officer.

The committee report is signed by the chairperson of the committee, or, in the House, by other committee members authorized by the committee to make the report and represents the majority action of the committee. The committee report must be transmitted to the house not later than the second legislative day following committee action.

Bills referred to select committees are considered in the same manner as by standing committees.

FIGURE 9

Standing Committee Report — Be Passed

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Education** recommends **SB 444** be passed.

_____Chairperson

FIGURE 10

Standing Committee Report—be Passed as Amended

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Judiciary** recommends **SB 615** be amended on page 4, in line 17, by striking “within” and by inserting “promptly, but in no case more than”; also in line 17, after “hours” by inserting “after having reason to suspect the child has been injured,”; in line 31, by striking “persons providing direct services to children through a contract”; in line 32, by striking “with the state department of social and rehabilitation services;” and the bill be passed as amended.

_____Chairperson

V.
ACTION ON
COMMITTEE REPORTS



V. ACTION ON COMMITTEE REPORTS

27. Action on Committee Reports. The time during each day when committees may report when the house is in session is prescribed in the order of business. Prior to or during that time, a committee chairperson who wishes to submit a report gives it to the Chief Clerk or Secretary of the Senate to be read when the order Reports of Standing Committees is reached.

When a bill is reported favorably by a standing committee, or is reported without recommendation, it automatically goes on the calendar under General Orders for consideration in the Committee of the Whole. (This does not mean that the bill will necessarily be considered.) If the bill has been referred to two committees separately, it does not go on the calendar under General Orders until the second committee of reference has reported.¹³

Bills adversely reported are placed on the calendar for one day under the heading of Bills Adversely Reported. Although the practice is not common, a motion to place an unfavorably reported bill on the calendar under General Orders may be made when introduction of original motions is in order. This motion must lie over until the next legislative day. In the Senate, the motion may not be renewed if a vote is taken and the motion loses. If the motion to place the bill on the calendar prevails, the fact that the bill was adversely reported

¹³ When the bill has been referred separately and is reported adversely by the first committee of separate reference, the motion is to move the adversely reported bill to the next committee of separate reference. The vote required for adoption of such a motion is the same as for moving an adversely reported bill to General Orders.

is printed in a line underneath the title of the bill. In the Senate, adoption of such a motion requires an affirmative vote of 24 members; in the House, 70 affirmative votes are required.

When a standing committee reports amendments to a bill, this action constitutes a recommendation to the house. Such recommendations are considered by the Committee of the Whole, which may in turn recommend to the house either the adoption or the rejection of such amendments.

28. Select Committee Reports. Because select committees are not usually appointed to consider routine matters, their reports are considered in the light of the nature of the assignment of the Committee and the nature of the report required thereon.

29. Reprinting of Bills. The law directs the State Printer to print each succeeding version of a bill or concurrent resolution to show changes made by using a different font of type and by retaining material being deleted in canceled type (Figure 10). A House rule also provides that when a committee has recommended amendments to a bill, it will be reprinted showing the amendments. The Senate does not have such a rule.

In each house the same printing procedure is followed for bills coming from the other house as is followed with its own bills. A bill is printed upon its original introduction and reprinted only after amendments have been proposed by committees or adopted at some stage of the legislative process. When a substitute bill is reported by a committee, the substitute and not the original is printed. Even though the substitute is an amendment to the bill, the substitute is printed as if it were a new bill rather than a committee amendment.

VI.
COMMITTEE OF THE WHOLE



VI. COMMITTEE OF THE WHOLE

30. Going Into Committee of the Whole. The Committee of the Whole consists of the entire membership of the House or of the Senate.

Bills that have been reported for further action by a standing committee are taken up by the Committee of the Whole under the heading of General Orders (GO). Occasionally, bills introduced by a committee may be referred directly to the Committee of the Whole for consideration.

Both the Senate and House resolve themselves into a Committee of the Whole on motion of some member, usually the majority leader, that the Senate (House) go into Committee of the Whole for the consideration of bills on the calendar under the heading of General Orders. This occurs when General Orders is reached in the order of business. The Speaker of the House or President of the Senate designates a member to preside as chairperson and then steps down from the chair. However, the Speaker or President is not required to relinquish the chair and may continue to preside over the Committee of the Whole.

31. Consideration of Bills. While a bill is under consideration in the Committee of the Whole, any member of the house may move to amend it to include new wording, to change existing wording, or to delete some wording. Prior to the offering of amendments, however, the chairperson or some other member of the committee that considered the bill (or the author) usually carries (explains) the bill, and there is an opportunity for exchange of questions and answers to be sure that all members understand the bill. If the standing

committee has recommended that the bill be amended, the standing committee's report is first considered. These reports normally are adopted routinely. Once in a while, such a report is rejected. In either event, the usual procedure is for the bill to be considered section by section. As each section is discussed, amendments to that section are in order. When the entire bill has been thus considered, members then have an opportunity to offer amendments (not previously offered) to the bill in general.

While the rules do not require it, current practice is based on the premise that an amendment offered by a member will be read unless the body unanimously assents to an explanation in lieu of the reading of the amendment. The practice of waiving the reading of the amendment in favor of an explanation of it is quite common. When an amendment is presented, the legislator gives the reasons for the proposed change and has a right to make the closing argument in the debate on it. Members who oppose or support the change secure the floor, in turn, upon recognition from the presiding officer, and present their arguments for or against the proposed amendment. It is at this stage that much of the public debate on bills occurs.

Much of the debate is carried on by a second member rising and saying: "Mr. Chairperson, will the Senator (Representative) yield to a question or for a comment?" The member first recognized "has the floor" and does not have to yield, but, in practice, always does so. The second member then presents the question, which may be to bring out a point favorable or unfavorable to the bill or an amendment or simply to seek factual information or an interpretation. The exchange of questions and answers may continue for some time. In the Senate, there is no limitation on the number of times a member

may speak to an issue. In the House, no member, other than the person moving or carrying the measure, may speak more than twice on the same question without the consent of the body (an amendment to a measure is considered a separate and independent question). After the additional members desiring to speak make their points, the person carrying the bill concludes the explanation and the vote is taken.

In the House, a roll call vote must be taken in the Committee of the Whole upon demand of 15 members. In the Senate, five Senators may demand a roll call vote when in the Committee of the Whole, and as many votes as requested.

32. Motions. Occasionally, there is a motion to strike the enacting clause, which, in Kansas, is a way to kill a bill. Such a motion is in order at any stage until the final vote is announced. Under Senate rules, a member may speak no more than twice on the motion and no other motion, except a motion to adjourn, is in order until the motion to strike the enacting clause is decided. House rules permit debate upon the merits of the proposition, but the motion is not subject to amendment or substitution. Rules of both houses specify that a roll call vote be taken on a motion to strike the enacting clause. A motion to amend a substantive part of a bill is not in order in either house while a motion to strike the enacting clause is before the body.

Debate on General Orders concludes with a motion that the committee arise and report progress on any bill and is used when the Committee of the Whole rises to report to the house. The motion is decided without debate. In the House, when the committee, having had a bill under consideration, rises without taking action thereon, the bill retains a place on General Orders.

The Senate rule is that the matter being considered is the first order of business at the next session of the committee, subject to such postponement as the subsequent committee of the whole determines. If at any time it is ascertained that no quorum is present, the Senate rule is that the chairperson must vacate the chair and report the fact to the President. The House rule requires that the Committee rise and report.

The regular rules, as far as they are applicable, are observed in Committee of the Whole with the following exceptions:

- In the Committee of the Whole, the number of times a member may speak is not limited.
- A motion to lay on the table or a call for the previous question is not in order.
- House Rule 2508 and Senate Rule 38, providing for a call of the house, do not apply.

Among the recommendations made by the Committee of the Whole are:

- That the bill be passed.
- That the bill be amended and be passed as amended.
- That the amendments proposed by the standing committee be adopted and the bill be passed as amended.
- That the amendments proposed by the standing committee be adopted, the bill be further amended, and the bill be passed as amended.

- That the amendments reported by the standing committee be rejected and that the bill be passed.
- That the bill be rereferred to a committee.
- That the bill not be passed.
- That the motion to recommend favorably did not prevail—bill remains on GO unless there is a motion to strike from the Calendar.
- That the enacting clause be stricken from the bill.
- That the bill be stricken from the calendar. (This motion sometimes is made after the Committee of the Whole fails to recommend that the bill be passed.)
- That the bill be passed over and retain a place or its place on the calendar.

Bills sometimes are withdrawn from consideration of the Committee of the Whole and rereferred to a standing committee. This usually is done by recommendation of the Committee of the Whole itself. After the Committee of the Whole has finished its deliberations, it rises to report. At this time, the President or Speaker takes the chair.

33. Action on Report. The usual practice is that the chairperson of the Committee of the Whole, after submitting the report to the house, moves its adoption by that body. The report is routinely adopted. In the Senate, a motion may be made to amend the report to correctly reflect what occurred in the Committee of

the Whole. The House rule provides that bills are not subject to amendment or debate after the Committee of the Whole report has been adopted.

When the Committee of the Whole reports a bill with the recommendation that it be passed, and the committee report is adopted by the house, the bill is considered as ordered to Final Action. The Senate current practice in many cases is to advance the bill to emergency final action and roll call. If a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to, the bill is considered to be rejected. Likewise, a recommendation that the bill be stricken from the calendar usually has the effect of killing the bill. The recommendation that a bill be passed over and retain a place on the calendar merely means that the bill remains upon the calendar under the heading of General Orders, and can be taken up by the Committee of the Whole at a subsequent meeting.

The vote adopting a report of the Committee of the Whole may be reconsidered, the report amended, and a different action taken upon any bill included in the report. Or, action taken by the Committee of the Whole on a given bill may be altered without formally amending the report of the Committee of the Whole. Such motions must be made not later than the next session of the body and must be made by a person who has voted on the prevailing side in the original vote. The action on a bill recommended by the Committee of the Whole can be changed by unanimous consent.

VII.

CONSENT CALENDAR



VII. CONSENT CALENDAR

34. Function. In order to expedite the consideration of noncontroversial bills, both houses have developed a consent calendar procedure which bypasses the Committee of the Whole step. A standing committee, if it is of the opinion that a bill should be passed and that it is not controversial, may include a statement to that effect in the committee report. Such bills are then placed on the Consent Calendar for at least two full legislative days before they are considered under Final Action. At any time prior to the call for the vote on Final Action, a member can object to the bill as being controversial, in which case it is removed from the Consent Calendar and placed on the calendar under General Orders.

If no objection is made prior to the call for the vote on the bill, it shall be ordered to Final Action for vote before other bills on Final Action.

In practice, no bill for which committee amendments are proposed, no matter how insignificant the amendments might be, is placed on the Consent Calendar. This is because the Consent Calendar procedure contains no formal mechanism for consideration and adoption by the house of amendments prior to the vote on Final Action.

VIII.

ENGROSSMENT



VIII. ENGROSSMENT

35. Process of Engrossment. When a bill has been recommended for passage by the Committee of the Whole in the house of origin (and the report of that Committee has been adopted), the bill, if it has been amended, is corrected or subjected to engrossment. Personnel in the Revisor of Statutes' Office engross the bill, but the Chief Clerk or Secretary of the Senate is responsible for oversight of engrossment. Sections amended or new material added are properly incorporated in the bill, with the appropriate notations. Preliminary engrossment of a bill is reported to the house by a notation in the journal that the bill has been correctly engrossed. These reports appear in the journal under the heading Report on Engrossed Bills.

When a bill has been finally passed by both houses of the Legislature, it is sent to the Revisor of Statutes' Office for final engrossment. Upon completion of final engrossment, the Revisor's office returns the bill to the house of origin where the Chief Clerk or Secretary of the Senate inspects it and then transmits it to the Division of Printing. The finally engrossed bill is an electronically generated copy showing the net result of all changes made in existing law and all new matter added.

IX.
FINAL ACTION



IX. FINAL ACTION

36. Final Action. When a bill has been reported favorably for passage by the Committee of the Whole, it is then placed on the calendar under Final Action. This is the time for roll call and final passage. Prior to the formal vote, the title of the bill is read, except for the citation of statutes being amended or repealed. Under the *Kansas Constitution*, the vote on Final Action may not take place earlier than the day following introduction, unless an emergency is declared by two-thirds of the members present in the house where the bill is pending. This is done by a suspension of the rules. The time during each day when bills may be considered on Final Action is prescribed in the order of business of the respective houses, but it may take place at any other time under suspension of the rules.

A House rule provides that a bill reported for passage by the Committee of the Whole is not subject to amendment and debate on Final Action unless the committee report as adopted recommends the passage of the bill subject to amendment and debate (there have been no recent examples of such a recommendation). Bills which are emergencied to Final Action by suspension of the rules regularly are made subject to amendment and debate, if they have not passed through the Committee of the Whole stage. However, any bill may be amended on Final Action by unanimous consent.

A standing committee may place a bill or concurrent resolution deemed noncontroversial on the Consent Calendar. After three days on the Consent Calendar, the bill or concurrent resolution may be considered under the order of business Final Action and is voted upon without debate. If any member objects to the bill or concurrent resolution as being controversial, it shall

be removed from the Consent Calendar and shall be placed on General Orders.

A majority vote of the elected (or appointed) and qualified members of each house is required for passage of any bill. For submission of a bill to the Governor this means 63 votes in the House and 21 votes in the Senate; however, certain actions require a two-thirds majority, such as attempts to override a Governor's veto. The vote on Final Action is entered in the journal in a manner which indicates how each member voted on the bill. Members are allowed to explain their votes and have their explanations entered in the journal, if submitted in writing on the same day (under the Senate rule, within two hours following adjournment; under House practice, within one hour following adjournment or by 4:00 p.m., whichever occurs later). In the Senate, an oral explanation of vote is restricted to two minutes. In the House, the limit is one minute. House rules limit a written explanation of vote to a maximum of 100 words; in the Senate, the limit is 200 words. A rarely invoked provision of the *Kansas Constitution* is that a written protest against any action is entered into the journal without delay or alteration. Under the usual procedures, no debate is allowed on Final Action and no motion is in order except the motion to adjourn (except during the time a vote is being taken) or for a call of the house.

Even though the journals always show a separate roll call for each bill, in the Senate it is not unusual for several bills to be placed on roll call simultaneously. This is known as bulk roll call. In these situations in the Senate, a member announces the bills on which the member votes "no" or on which the member wishes to "pass" (not vote) and is recorded as "aye" on the rest. The clerks keep a separate roll call record on each bill.

The House, which uses an electronic voting system, does not presently conduct bulk roll call votes.

At any time after the roll call has been concluded, but before the vote has been recorded or closed, members may change their votes or may request that their votes be recorded if they have not already voted. If any members are absent from the chamber when the vote is taken, a call of the house may be ordered and the absentees summoned. Such action is not frequent as it can be both time-consuming and annoying to members.

The rules of the Senate provide that no senator shall be absent without first obtaining permission of the Senate, unless the senator is prevented from attending by sickness or other sufficient cause. The practice in the Senate is to record in the Journal as excused any senator who is absent. House rules state that a member can be excused by the Speaker for legislative business, verified illness, or excused absence. The names of members who are absent and the reasons for the absence are printed in the journal. Members also may be excused for part of the day.

As noted above, senators who do not desire to vote simply answer “pass” when their names are called. The senator is then recorded in the Journal as present and passing. Passing does not constitute refusal to vote as members may, and often do, change their votes before the final vote is announced. Usually, no attempt is made to require a member to vote except under a “call of the house.” In the House, members who do not vote are recorded either as “present but not voting” or “absent or not voting.”

A “call of the house”, referred to in the Senate as a call of the Senate, is the method used in the Senate and House to require every member to vote on a measure. An exception is that a member who has a conflict of interest in the matter being voted upon may be excused from voting. Any member who so requests to be excused has five minutes to explain the reasons for the request. The question on excusing the member from voting is taken without debate and requires a two-thirds majority. (The two-thirds requirement applies to the members present in the House and to the members voting in the Senate.) In the House, refusal to vote when not excused is grounds for censure or expulsion of the member. In the Senate, refusal to vote is regarded as contempt, the penalty for which is for the President to call the member before the bar of the Senate and to revoke the senator’s privileges of membership until the contempt is purged. There have been no instances in recent years of members refusing to vote when they were required by the rules to do so.

There are primarily three reasons for a call of the house: to enforce the attendance of a quorum, to compel members to record their vote publicly on controversial questions, and to attempt to secure passage of a bill which is in danger of failing for lack of a constitutional majority.

In the House, a call is ordered on the demand of any ten members at any stage of the voting on the final passage of the bill, on a motion to strike the enacting clause or on a motion to strike all after the enacting clause prior to the recording of the vote. The call may not be raised so long as ten members continue the demand until a reasonable effort has been exerted to secure absentees. When a call is demanded, the Speaker orders the doors of the House closed and

directs that the roll be called, after which the names of the absentees are again called. If sufficient excuse is not given for the absence, a member may be sent for and taken into custody by the sergeant-at-arms or an assistant sergeant-at-arms and be brought before the bar of the House, where, unless excused by a majority of the representatives present, the member is to be reproved by the Speaker for neglect of duty. No motion to dispense with further proceedings under the call of the House may be entertained until the Speaker is satisfied that the sergeant-at-arms has made a diligent effort to secure the attendance of the absentees.

Before the announcement of the vote, a call of the Senate may be ordered upon the demand of five senators regarding a roll call on the passage of any bill or resolution, a motion to strike the enacting clause, or a motion to indefinitely postpone a bill. When a call is demanded, the procedure is as described above for the House.

The Senate rules state that no senator is allowed to vote unless the senator is seated in the senator's assigned seat at the time of the vote. In practice, members sometimes answer roll call in the Senate from other places about the chamber, as long as there is no confusion and the members are recognized by the reading clerk. A representative cannot vote except at the voting station on the member's desk, unless the member is in the chamber and is authorized by the presiding officer to vote. In the latter case, the presiding officer directs the Chief Clerk to so record the member's vote.

37. Amendment and Passage. Bills which have been emergencied by suspension of the rules, resulting in bypassing consideration by the Committee of the

Whole, are made subject to amendment and debate on Final Action. These bills are then considered in much the same manner as if they were in Committee of the Whole. Amendments also may be considered on Final Action by unanimous consent. The House rule provides that bills are subject to amendment on Final Action when the report of the Committee of the Whole so provides. This procedure, however, has not occurred in recent years. The roll call vote is taken in the usual manner.

38. Lack of a Constitutional Majority. When a bill fails to receive a constitutional majority on the final roll call, it is declared lost. (However, sometimes a vote subsequently is reconsidered and the bill is passed.) If a quorum is not present (though there have been no such occurrences in recent years) when the final vote on a bill is taken, Senate rules require that the bill retains its place on the calendar and is considered again on Final Action when that order of business is next reached. House rules state that no business can be transacted in the absence of a quorum.

39. Other Procedures on Final Action. If a bill is subject to amendment on Final Action, a motion to strike the enacting clause can be used to kill a bill.

The vote on the final passage of any bill may be reconsidered. A motion to reconsider must be made by a member who voted with the prevailing side, and it must be made on either the day the vote was taken or the next legislative day. The motion to reconsider takes precedence over all other questions, except the motion to adjourn.

Under Senate rules, a motion to reconsider is not in order after the bill has gone out of the possession of

the Senate. Further, no question may be reconsidered more than once. House rules permit reconsideration after the message of House action is recorded in the Senate, but any such action on a bill sent to the Senate is contingent upon the return of the bill by the Senate to the House. House rules provide that a motion for reconsideration that is lost may not be renewed. A vote may be reconsidered a second time only upon unanimous consent.

X.
TRANSMISSION TO
OTHER HOUSE



X. TRANSMISSION TO OTHER HOUSE

40. Certification. When a bill has passed the Senate, it is certified by the Secretary of the Senate; and when a bill has passed the House, it is certified by the Chief Clerk of the House. In addition to this certification, the entire history of action on the bill appears on the bill envelope. If the bill originated in the other house, the action by the house in which it was last pending is entered on the bill envelope immediately to the right and beside the action of the first house.

41. Transmission. When either house passes a bill, it is the responsibility of the Secretary of the Senate or Chief Clerk of the House to deliver to the corresponding officer of the other house a formal message of notification of the action taken, accompanied by the bill and any amendments. A single message frequently covers several bills. Bills also are transmitted when passed by the second house, with or without amendments, and after the adoption of conference committee reports.

42. Request Return of Bill from Other House. Sometimes bills, after being transmitted to the other house, are requested to be returned by the first house. Such a request usually is granted.

XI.
ACTION OF THE
SECOND HOUSE



XI. ACTION OF THE SECOND HOUSE

43. Passage Without Amendment. A bill that has passed the house in which it originated also must pass in the second house before it can become law. If the second house finally passes the bill without amending it, the bill is messaged (transmitted) back to the house of origin and is ready for enrollment.

44. Failure to Pass. If the second house fails to pass the bill on Final Action, or if it is killed by various methods at any stage in the proceedings before Final Action, the bill is dead.

45. Amendment and Passage. In order to become law, a bill must pass both houses in exactly the same form. In the second house, a standing committee or the Committee of the Whole may recommend that the bill be amended. If the bill is amended by the second house and passed as amended, it is messaged back, with the amendments, to the house of origin for the further consideration of that body.

XII.
ACTION ON RETURN TO
HOUSE OF ORIGIN



XII. ACTION ON RETURN TO HOUSE OF ORIGIN

46. Concurrence in Amendments. If amendments are made in the second house, the house of origin may concur in the amendments by the adoption of a motion to that effect. Because this action is considered the final passage of a bill, a roll call vote is taken on the question of concurring in amendments made by the second house. Upon concurrence, the bill is considered as having passed both houses in identical language and is ready for final engrossment and enrollment.

47. Refusal to Concur in Amendments. The house in which the bill originated may refuse to accept the amendments of the other house. When this happens, a motion normally is made by a member that the house nonconcur in the amendments and request that a conference committee be appointed. Adoption of this motion requires a majority vote of the members present and voting. The fact that the house in which the bill originated has nonconcurred in the amendments and appointed conferees is messaged to the other house, which, by motion, routinely accedes to the request, appoints its conferees, and informs the first house of its action.

48. Conference Committees. Conference committee meetings generally are rather informal. They meet on the call of the chairperson. Only rarely are they scheduled long in advance. These meetings are open to the public. These committees discuss the policy differences between the two houses on the various features of a bill and attempt to reach an agreement which will be acceptable to both houses. Sometimes

only technical amendments are needed to reconcile the bill with other bills.

A conference committee consists of three members of each house, unless otherwise fixed by agreement between the President and Speaker. These officers also appoint and replace members of conference committees. The rule requires that at least one member from each house be of the minority political party, unless this representation is waived by the minority leader of that house. The chairperson of the conference committee is from the house in which the bill originated and is the first person named by the President or Speaker.

Conference committees are limited to considering only matters which have been included in the bill in conference or in bills which have been passed in one or both houses during the current biennium, except that an appropriation bill may include a proviso relating to any such item of appropriation. Once the conference committee agrees upon the content of a bill, which may include amendments, it is presented to both houses for consideration. This report is either adopted or rejected; it cannot be amended. These reports always are considered last by the house in which the bill originated.

The first conference committee report, unless it is an agreement to disagree coupled with a request that a new conference committee be appointed, must be signed by all the conferees. Other conference committee reports must be signed by a majority of the conferees from each house. The vote to adopt a conference committee report, other than the report requesting the appointment of a new conference committee, is considered to be a

vote on final passage, thus requiring a roll call and a constitutional majority vote.

When a conference committee is unable to reach agreement, it must so report to the house of origin. Usually, this report includes a request for the appointment of a new conference committee. If the conferees fail to make this request and the report of disagreement is adopted by either house, the bill is deemed killed.

The house of origin of any bill has the option of concurring in the amendments made by the other house at any time prior to final action on a conference committee report by the other house. If the motion to concur pertains to a bill for which a conference committee has been appointed and no action has been taken by the other house on the conference committee report, the failure of the motion does not kill the bill. However, if no conference committee has been appointed, and the motion to concur fails, the bill is dead.

Under the rules, copies of conference committee reports, except reports that the conferees disagree or that the recommendation is to accede to or recede from all of the amendments of the second house, must be made available to all members of the house by the time the report is being considered. This requirement may be waived by a two-thirds vote of the members present or by unanimous consent. Receipt and consideration of reports of conference committees is in order at any time.

XIII.
LEGISLATIVE DEADLINES



XIII. LEGISLATIVE DEADLINES

49. Bill Drafting Requests and Bill Introduction.

To conduct its business in a more orderly fashion, the Legislature currently (2006) has adopted joint rules governing when bill drafting requests are in order and establishing deadlines on bill introduction and consideration.

Deadline dates are set for the cutoff of bill drafting requests for individual members and committees, along with deadlines for the introduction of bills by individual members and committees.

Bills introduced by the House and Senate Appropriations/Ways and Means and Federal and State Affairs Committees; the House Committees on Taxation and Calendar and Printing; and select committees, when so authorized, are exempt from the deadlines. In the odd-numbered years, bills may be introduced subsequent to the applicable deadline but they may not be acted on during that session.

50. Timelines for Bill Consideration. Specific times are also set for consideration of bills in the house of origin and the consideration of bills in the second house. Bills sponsored by, referred to, or acted on, by the exempt committees may be acted on at any time during the session. Either house, by a resolution adopted by a constitutional majority, may make specific exceptions to these deadlines and to the deadline for introduction of committee bills.

A separate provision is that all appropriations bills, other than the Omnibus Bill and the Omnibus Reconciliation Spending Limit Bill, must be finally acted upon by the

Legislature prior to adjournment on the 90th calendar day. (The Omnibus Bill also may serve as the Omnibus Reconciliation Bill.)

After the 90th calendar day, only gubernatorial vetoes and the Omnibus Bill and Omnibus Reconciliation Spending Limit Bill may be considered. By a constitutional majority vote, this limitation can be suspended in either house for consideration of specific bills not otherwise exempt from deadlines contained in the joint rules.

Whenever any such deadline occurs on a day that either house is not in session, the deadline is observed on the next day that either house is in session.

XIV.
ENROLLMENT AND PRESENTATION
TO GOVERNOR



XIV. ENROLLMENT AND PRESENTATION TO GOVERNOR

51. Form of Enrollment. When final engrossment is complete, the bill is returned to the house of origin. It is then inspected by the Secretary of the Senate or Chief Clerk of the House and transmitted to the Division of Printing for the printing of the enrolled version. Upon completion of printing, the enrolled bill is returned to the house of origin for proofreading and final inspection. Blank lines are provided for dates of passage by each house and the signatures of the President and Secretary of the Senate, the Speaker and Chief Clerk of the House, and the Governor. Enrolled bills are printed in Roman style type, except that material added to an existing section of a statute is shown in italic type and material deleted from an existing section is printed in canceled type (Figure 11).

52. Preparation and Presentation of Bill. When the enrolled bill has been received from the printer and has been proofread and corrected, if necessary, it is signed by the presiding officers of both houses and by the Chief Clerk of the House and Secretary of the Senate. The enrolled bill then is presented to the Governor. The Constitution requires that the signature by the presiding officers¹⁴ and presentation to the Governor must take place within ten days after the passage of a bill. When a bill has been found to be correctly enrolled, and the enrolled copy has been signed by the proper officers of both houses and presented to the Governor

¹⁴ The Supreme Court has ruled that this provision is directory, *i.e.*, the signature of presiding officers is not essential to the validity of the act.

for consideration, these facts, together with the date of presentation to the Governor, are reported to the house in which the bill originated and are entered in the Journal. Enrolled Senate bills, when signed by the officers of both houses, are presented to the Governor by the Secretary of the Senate. Similarly, enrolled House bills are presented to the Governor by the Chief Clerk of the House. The Governor gives a receipt for every bill.

FIGURE 11

Enrolled Bill

HOUSE Substitute for SENATE BILL No. 243

AN ACT concerning public assistance; relating to persons convicted of a controlled substance related felony.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Under the authority of subsection (d)(1)(A) of 21 U.S.C. §862a, the state of Kansas hereby exercises its option out of subsection (a) of 21 U.S.C. §862a, which makes any individual ineligible for certain state and federal assistance if that individual has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the possession, use or distribution of a controlled substance as defined by subsection (6) of 21 U.S.C. §802, only if, after such conviction, such individual has:

(1) Been assessed by a licensed substance abuse treatment provider as not requiring substance abuse treatment; or

(2) been assessed by a licensed substance abuse treatment provider and such provider recommended substance abuse treatment and such individual:

(A) Is participating in a licensed substance abuse treatment program; or

(B) has successfully completed a licensed substance abuse treatment program.

(b) An individual shall be disqualified for any state or federal assistance permitted by this section if confirmation of illegal drug use is found as a result of testing that occurs while the individual is on probation, parole, conditional release or postrelease supervision or during required substance abuse treatment. Thereafter, such disqualified individual may reapply for assistance after 30 days.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended

Speaker of the House.

Chief Clerk of the House.

APPROVED

Governor.

XV.
GOVERNOR'S ACTION



XV. GOVERNOR'S ACTION

53. Action on Bills by Governor. Under the Constitution, the Governor has three options for acting on bills. The Governor may approve the bill by signing it; allow the bill to become law without the Governor's signature; or disapprove the bill by vetoing it, stating objections, and returning it to the house of origin. The Governor has ten days after the day the bill is received to sign or veto it. If no action is taken during the ten-day period, the bill becomes law without the Governor's signature.

When the Governor vetoes a bill, the enrolled bill and veto message are sent to the house of origin. A copy of the veto message also is delivered to the Secretary of State (Figure 12). The house of origin prints the veto message in its journal and has 30 calendar days (excluding the day received) in which to reconsider the bill. A two-thirds vote of the membership of both houses is required to override the Governor's veto. That is, such a vote, if obtained in both houses, causes a bill to become law notwithstanding the Governor's veto. If it receives the required two-thirds vote in the house of origin, the bill, together with the veto message, is sent to the other house for reconsideration. The second house also has 30 calendar days in which to reconsider the bill. If no motion is made to reconsider a vetoed bill when the time arrives in the house for action on vetoes, the veto is regarded as having been reconsidered and sustained.

If both houses vote to override the veto, the Secretary of the Senate or Chief Clerk, as the case may be, of the second house prepares a certificate indicating that the bill has been passed notwithstanding the Governor's

veto. The certificate is signed by the Secretary and President of the Senate and Chief Clerk and Speaker of the House. The enrolled bill and certificate then are delivered to the Secretary of State.

If the second house fails to override the Governor's veto, the Secretary of the Senate or Chief Clerk of the House prepares a certificate of failure of the bill which is signed by the Secretary and President of the Senate or Chief Clerk and Speaker of the House, whichever is appropriate. A copy of the certificate is attached to the bill, a copy is transmitted to the other house, and one copy is delivered to the Secretary of State.

A vote to override the Governor's veto of a bill is the same as Final Action on a matter. Thus, a roll call vote is taken and the results are entered in the Journal. If a vote in the first house to override a veto fails, the matter is not considered in the second house. However, the message from the house of origin and the veto message are printed in the journal of the other house.

The Governor may veto a bill whether or not the Legislature has adjourned. The statute requires the Legislature, by concurrent resolution, to set a date for reconvening at a time sufficiently beyond adjournment of the "wrap-up" session so that any gubernatorial veto can be considered. This date for reconvening is the date set for final adjournment. The Governor must deposit with the Secretary of State those bills which became law, with or without the Governor's signature.

54. Item Veto of Appropriation Bills. The Governor may veto individual items of appropriation bills. To do this, the Governor appends to the bill a statement of the item or items to which the Governor objects, and the reasons therefor, and transmits the statement to

the house of origin and to the Secretary of State. Any appropriation items which are vetoed cannot take effect unless reconsidered and passed over the veto by the same process as required for passing entire bills over the veto.

55. Notification. When the Governor signs a bill, the Governor sends a message to the house of origin informing it of the approval. The message is entered in the journal of the house of origin of the bill. The message usually contains no more than a mere statement of the fact of approval, but the Governor could state the reasons for approval or include other comments.

56. Filing Acts with Secretary of State. All acts of the Legislature must be deposited in the office of the Secretary of State. In instances other than when the Governor's veto is overridden (see No. 53), the law imposes upon the Governor the duty of seeing that such deposit is made, whether the act becomes law with or without the Governor's approval. When an enrolled act is received by the Secretary of State, a receipt is given on which the time and date are certified.

The law prohibits the Secretary of State from allowing any enrolled bill or resolution to be removed from that office except by order of the Governor or by resolution of one or both houses of the Legislature. (An 1886 opinion of the Kansas Supreme Court indicates that, after a bill has been approved and signed and deposited with the Secretary of State, it has passed beyond the Governor's control, *i.e.*, its status then has become fixed and unalterable as far as the Governor is concerned.)

FIGURE 12

Veto Message

HB 3004 Veto Message from the Governor

Pursuant to Article 2, Section 14 of the Kansas Constitution, I veto HB 3004 which changes the educational requirements needed for one to apply to take the accountancy examination from the Kansas Board of Accountancy. Changes to the requirements for taking the accountancy examination should include review of all aspects of the requirements including reciprocity. This bill focuses on only one requirement for the accountancy examination. The Board of Accountancy has begun a comprehensive review of the requirements and is set to report their findings to the 2007 Legislature. This legislation is set to be in law for only one year and I believe that the state is better served by making decisions on the requirements for the accountancy examination once a thorough review has been completed.

Vetoed __ May 19, 2006 _____

Signed ____ Kathleen Sebelius _____

XVI.
PRINTING AND DISTRIBUTION
OF ACTS



XVI. PRINTING AND DISTRIBUTION OF ACTS

57. Printing of Session Laws. The laws passed at each session of the Legislature are printed in an indexed volume known as the Session Laws. Each enactment is assigned a separate chapter number (Figure 13). The law requires the printer and the Secretary of State to complete preparation and printing of at least a limited number of volumes of all acts, resolutions, and other matters required to be published, except the index, by July 1 of each year. The Secretary of State must furnish the Division of Printing a copy of such documents (except the index) in the proper form within 20 days after the adjournment *sine die* of the sessions held in odd-numbered years and within 40 days after such adjournment of the sessions held in the even-numbered years. Publication of the Session Laws volume occurs as soon as practicable after the close of the session, usually as of July 1.

The law as printed includes the chapter number, the bill number, the title, the text, the date of approval, and, if applicable, the date of publication in the *Kansas Register*. When a bill becomes law without the Governor's approval, that fact, together with the date the bill became law, is noted on the printed law. If a bill is vetoed by the Governor and subsequently passed over the veto, these facts and the dates thereof, together with the appropriate signatures, appear on a certificate following the text of the act in the printed laws.

The Session Laws volume contains the text of all bills becoming laws and all concurrent resolutions adopted, except those extending congratulations or memorials to decedents. In addition, the volume contains the following items: general subject index; veto and certain

other messages of the Governor; certificates that a bill, or item of an appropriation bill, has been approved notwithstanding the Governor's veto; index to bills by chapter; list of statutes amended or repealed during the session; executive reorganization orders approved; official directory of the elective state officers, the state judiciary, and both houses of the Legislature; officers of the Legislature; members of the Legislative Coordinating Council; legislative staff agencies; members of the Commission on Interstate Cooperation; Kansas federal officials; and table showing congressional, judicial, legislative, and state board of education districts.

The Secretary of State determines the number of paper-bound copies of the Session Laws to be printed each year.

58. Certification of Acts. The Secretary of State is required by law to prefix to each printed volume of the Session Laws a certificate stating that the acts and resolutions contained therein are truly copied from the original enrolled acts and other official documents of the Legislature and specifying the date of the publication of the Session Laws.

59. Distribution of Session Laws. Immediately after their publication, the Secretary of State distributes free copies of the Session Laws to the various public officials, governmental units, and libraries entitled by law to receive them. The Secretary of State sells other copies at a price designed to recover the printing, binding, and storing of such volumes. These prices are fixed by the rules and regulations of the Secretary of State.

60. Kansas Statutes Annotated. All general laws enacted by the Legislature are arranged and published

by the office of the Revisor of Statutes in accordance with a numbering system first adopted for the publication of the Revised Statutes of Kansas of 1923 in a series of volumes entitled *Kansas Statutes Annotated* (KSA).

Each year after the close of the regular session of the Legislature, all general laws passed by the Legislature at the session are integrated into the body of existing law and become a part of the *Kansas Statutes Annotated*. New sections are assigned appropriate numbers and all such materials, both new and amendatory, are published by the Office of the Revisor either in revised and republished volumes of the *Kansas Statutes Annotated* or in the annual supplement to existing volumes of the *Kansas Statutes Annotated*.

In addition to the laws passed by the Legislature, the *Kansas Statutes Annotated* contain executive reorganization orders of the Governor, the Constitutions of the United States and state of Kansas, the Organic Act of the State of Kansas, the act of Congress admitting Kansas into the Union, and several other types of information which aid in the use of these volumes. The *Kansas Statutes Annotated* and annual supplements are indexed in a general index volume.

FIGURE 13

Chapter of Session Laws

CHAPTER 96

HOUSE BILL No. 2676*

AN ACT concerning certain restrictive covenants.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) On and after the effective date of this act, any provision of a restrictive covenant which requires the use of wood shingles or wood shakes as a roof covering material for any residential dwelling is hereby declared to be against public policy and such provision shall be void and unenforceable unless such covenant also allows for the use of an alternative material which is comparable in appearance, flame resistant or retardant and meets or exceeds any fire prevention standards established by any building code which has been adopted as required by law applicable to such residential dwelling.

(b) The provisions of this section shall apply to any restrictive covenant in existence on the effective date of this act.

(c) The provisions of this section shall not affect the enforceability of a restrictive covenant which regulates or restricts the color, style, dimension or other aesthetic characteristics of roofing material to be used on a residential dwelling if such restrictive covenant meets the requirements of subsection (a).

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 12, 2006.

XVII.
JOURNAL AND CALENDAR



XVII. JOURNAL AND CALENDAR

61. The Journal. Each house is required by the Constitution to publish a journal of its proceedings. The journal is the formal record of all business transacted by the house and shows the legislative history of the action taken by the house on each bill and resolution. It shows such things as the introduction of a bill or resolution or their receipt from the other house, motions adopted concerning the bill (including amendments), its reference to committee, the committee report, action of the Committee of the Whole, the vote on the question of final passage. Special or select committees reporting on specific subjects during a session usually have their reports printed in the journal. The messages from the Governor also appear in the journals.

Examples from both the House and Senate Journals are Figures 14 and 15.

Neither house takes verbatim notes of speeches. Consequently, the journals do not contain the text of general speeches from the house floor by the various members. The major exception is the explanation of vote. A member desiring that the explanation of vote be printed in the journal must deliver a written copy of the remarks to the journal clerk on the day the vote is taken (in the Senate, within two hours following adjournment on such day; in the House, by 4:00 p.m. or one hour after adjournment, whichever occurs later). Also, the Constitution authorizes any member to make a written protest against any act or resolution and provides that the protest will be entered in the journal without delay or alteration. Unlike the explanation of vote, the protest procedure seldom is used. Occasionally, speeches or other material are placed in the journal as

a matter of personal privilege by unanimous consent or by motion.

The Chief Clerk of the House and Secretary of the Senate, through the journal clerks, prepare a journal for each legislative day and deliver a copy to the Division of Printing for printing. Each member is furnished daily with a printed copy of the journal of the previous day. Journals also are distributed to staff members, the media, and the general public. At the end of the session, the journals for the entire session are published in an indexed volume (or volumes).

62. Correction of Journal. The Chief Clerk of the House and Secretary of the Senate make any necessary journal corrections and note them in the daily journals.

63. The Calendar. Each house publishes a daily calendar during the session to show the status of all bills. Among other things, the calendar serves as a program for the legislative day, setting forth the order of business and designating, in their order, the particular bills and resolutions to be taken up under such headings as General Orders or Final Action. The calendar also includes a weekly listing for the house of all scheduled standing and subcommittee meetings.

After the order has been determined for the next legislative day, the calendar is prepared by the calendar clerks in each house and delivered to the Division of Printing. Each morning a copy of the calendar for the day is placed upon the desk of each member. Calendars also are distributed to staff members, the media, the Internet, and the general public.

Examples from both the House and Senate Calendars are Figures 16 and 17.

64. Revision of Calendar. Both houses provide in their rules for the appointment of a standing committee which officially prepares the daily calendar. In the Senate, the Subcommittee on Calendar of the Committee on Organization, Calendar, and Rules is so designated. This subcommittee is composed of the President, Vice President, and Majority Leader of the Senate. The Majority Leader serves as chairperson of the subcommittee. In the House, the committee responsible for revision of the calendar is the Committee on Calendar and Printing (seven members). The Senate rule requires that the subcommittee designate from day to day and from time to time the bills to be considered that day and on the next legislative day.

Each day the Senate and House committees assigned the calendar preparation duties may shift the order in which bills appear under the General Orders heading on the calendar, advancing various bills agreed upon for immediate consideration and dropping some to lower positions. In the House, however, a bill or resolution may not appear on general orders or be considered by the committee of the whole without notice having been announced by 4:00 p.m. (or prior to adjournment if at a later hour) on the previous day.

In actual practice, the calendar committees meet infrequently. In the House, the order of items on the calendar generally is determined by the Speaker in conference with the chairperson of the Calendar and Printing Committee (usually, the Majority Leader). In the Senate, the calendar order normally is set by the Majority Leader. Although the calendar committees can meet and determine the order of items to be considered, the usual practice is that the wishes of the leadership are followed. Setting the calendar in this way makes

calendar revision one of the most important steps in legislative procedure. Bills at the foot of the calendar may not be reached, unless the rules are suspended.

The Senate rules provide that all bills are acted on by the Senate in the order in which they stand upon the calendar. The order of consideration may be changed by unanimous consent or by a two-thirds vote of all the members of the Senate, if unanimous consent is refused. Not more than one bill may be named in a motion to change the order of the calendar, and, on each motion, no senator except the author of the motion may speak more than once, nor longer than five minutes. Usually, the action proposed is to advance the consideration of the bill. By motion or unanimous consent, a bill may be passed over and retain "its" place or "a" place on the calendar.

The House rules provide that the order of consideration of any bill on the calendar under General Orders may be changed by unanimous consent or by the affirmative vote of 70 members. However, the order of consideration of such a bill may be changed by an affirmative vote of a majority of all of the members elected to the House, on a motion made in writing, setting forth the reasons for such change. This motion is offered under the order of business Introduction and Notice of Original Motions and House Resolutions, and, thereupon, is read by the Chief Clerk or member making the motion; it is considered the following legislative day under the order of business Consideration of Motions and House Resolutions Offered on a Previous Day. Only one bill may be named in such a motion, and, if it fails to carry, a motion to change the order of consideration of the bill is not in order again until five legislative days have elapsed. This motion is not subject to amendment or debate. This latter provision rarely is used.

FIGURE 14

MAY 25, 2006

2465

Journal of the House

SIXTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 25, 2006, 10:00 a.m.

The House met pursuant to **SCR 1626** with Speaker Mays in the chair.

Reps. Carter, Craft, George, Grange, Hawk, Huntington, Kiegerl, Kilpatrick, Knox, Lo-
nabill, Loyd, Mast, Weber and Wolf were excused on excused absence by the Speaker.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. O'Neal, Kinzer and Pauls as members
of the conference committee on **HB 2529** to replace Reps. Neufeld, Landwehr and
Feuerborn.

MESSAGES FROM THE GOVERNOR

S. Sub. for HB 2105; HB 2129, HB 2432 approved on May 15, 2006.

Signing message for **HB 2432**:

I have signed **HB 2432** because it will protect citizens whose land is adjacent to recre-
ational trails from unexpected and undeserved liability to trespassers. I am concerned, how-
ever, that allowing these same nearby landowners to sue the keepers of recreational trails
could result in needless, expensive litigation. Therefore, I intend to monitor this issue closely
over the next year, and will propose revisions to this new law if it interferes with the upkeep
of these trails.

Also, **HB 2748, HB 2893** approved on May 16, 2006.

Also, **HB 2541; Sub. HB 2706** approved on May 17, 2006.

Also, **HB 2585** approved on May 18, 2006.

Also, **HB 2555** approved on May 19, 2006.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 3004**, An act concerning
certified public accountants; relating to admission to examination; amending K.S.A. 2005
Supp. 1-302a and repealing the existing section, was received and read.

Message to the House of Representatives of the State of Kansas:

Pursuant to Article 2, Section 14 of the Kansas Constitution, I veto **HB 3004** which
changes the educational requirements needed for one to apply to take the accountancy
examination from the Kansas Board of Accountancy. Changes to the requirements for taking
the accountancy examination should include review of all aspects of the requirements in-
cluding reciprocity. This bill focuses on only one requirement for the accountancy exami-
nation. The Board of Accountancy has begun a comprehensive review of the requirements
and is set to report their findings to the 2007 Legislature. This legislation is set to be in law
for only one year and I believe that the state is better served by making decisions on the
requirements for the accountancy examination once a thorough review has been completed.

KATHLEEN SEBELIUS
Governor

Dated: May 19, 2006

FIGURE 15

2094

JOURNAL OF THE SENATE

Journal of the Senate

SIXTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 25, 2006—10:00 a.m.

As provided by **SCR 1626**, the Sine Die Session of the regular 2006 Kansas Senate was called to order by President Morris.

The roll was called with thirty-six senators present.

Senators Allen, Goodwin, Kelly and Steineger were excused.

President Morris introduced as guest chaplain, Senator Nick Jordan, who delivered the invocation:

Senator Jordan noted: "One of my favorite scriptures is I Kings 3:7-12. In it King Solomon prayed in humility, recognizing his awesome responsibility for an understanding heart to judge properly and discern between good and evil. God was pleased because he didn't ask for long life, riches or the life of his enemies, so God gave him a wise and discerning heart that there would never be anyone like Solomon."

Father we come before you today with humble hearts understanding the responsibility you have put before us. May we have the understanding to judge properly between good and evil; right and wrong.

As we end this session may Senators, staff and their families be refreshed and renewed. May you set within us a vision for Kansas, give us wisdom as we think about our challenges. You have blessed us with a great State and great citizens. May we remember that we are here to serve, not for power, but to empower our citizens to be successful.

Lord, your word says that there is wisdom in the abundance of counselors. Let the Senate be a place that seeks that wisdom through listening to each other, respecting each other and working together for the good of all.

May your blessing be upon our State and may we be a blessing to you.
In Christ's name. Amen.

CHANGE OF CONFERENCE

The President announced the appointment of Senators Vratil, Bruce and Goodwin as members of the Conference Committee on **HB 2529** to replace Senators Brungardt, Vratil and Hensley.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator McGinn introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1862—

A RESOLUTION congratulating and commending Brian Moorman.

WHEREAS, Brian Moorman, a native of Sedgwick and a member of the Buffalo Bills professional football team, is the 2005 recipient of the Pro Football Weekly Arthur S. Arkush Humanitarian Award, an award given annually to a National Football Association player whose contributions to the community and charitable organizations are especially outstanding; and

FIGURE 16

HOUSE CALENDAR

No. 4

Thursday, January 12, 2006
HOUSE CONVENES AT 10:30 a.m. TODAY

ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

READING AND CORRECTION OF JOURNAL

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

Reference of Bills and Concurrent Resolutions

2585--

HB 2585, An act relating to school districts; relating to changing board member district boundaries; amending K.S.A. 72-6769 and repealing the existing section.

Representative Ott

(Education)

2586--

HB 2586, An act concerning driving under the influence; relating to test refusal; amending K.S.A. 8-1014 and repealing the existing section.

Representative Owens

(Judiciary)

2587--

HB 2587, An act relating to criminal procedure; concerning the stopping of suspects; amending K.S.A. 22-2402 and repealing the existing section.

Joint Committee on Kansas Security

(Judiciary)

2588--

HB 2588, An act concerning electric public utilities; amending K.S.A. 66-128g and 66-1223 and repealing the existing sections.

Committee on Utilities

(Utilities)

FIGURE 17

SENATE CALENDAR

No. 4

THURSDAY, JANUARY 12, 2006
SENATE CONVENES AT 2:30 P.M.

Order of Business

ROLL CALL

INVOCATION

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

Reference of Bills and Concurrent Resolutions

349—

SB 349, An act concerning telecommunications; relating to the Kansas universal service fund; amending K.S.A. 66-2008 and repealing the existing section.

Committee on Utilities

(Utilities)

350—

SB 350, An act relating to telecommunications; concerning regulation thereof; amending K.S.A. 2005 Supp. 66-2005 and repealing the existing section.

Committee on Utilities

(Utilities)

351—

SB 351, An act concerning crimes, punishment and criminal procedure; relating to the drug abuse assessment for certain offenders; relating to sentencing; amending K.S.A. 2005 Supp. 21-4714, 21-4729 and 75-52,144 and repealing the existing sections.

Joint Committee on Corrections and Juvenile Justice Oversight (Judiciary)

352—

SB 352, An act concerning the uniform commercial code; relating to secured transactions; amending K.S.A. 2005 Supp. 84-9-705 and repealing the existing section.

Committee on Judiciary

(Judiciary)

XVIII.
ORDER OF BUSINESS



XVIII. ORDER OF BUSINESS

65. Regular Order of Business. *In the Senate.* For much of the session, the pattern in the Senate is to convene at 2:30 p.m. on Monday through Thursday and at some time in the morning or no later than 12:00 noon on Friday. Generally, the morning hours from 8:30 a.m. to 12:00 noon and 1:30 p.m. to 2:30 p.m. are reserved for meetings of standing committees. In accord with deadlines for consideration of legislative matters, the Senate often convenes in the morning or earlier in the afternoon at times during the session when the focus of attention is on matters listed on General Orders or on consideration of conference committee reports. The regular order of transacting business in the Senate during each legislative day is set forth in the following schedule, although Rule 5 allows deviation from the schedule:

- President takes the chair and calls Senate to order.
- Roll call.
- Prayer.
- Introduction and reference of bills and concurrent resolutions.
- Consideration of messages from the Governor.
- Communications from state officers.
- Consideration of messages from the House of Representatives.
- Consideration of motions to concur or nonconcur.
- Reports of select committees.
- Consent Calendar.
- Final Action on bills and concurrent resolutions.
- Introduction of original motions and Senate resolutions.
- Correction and approval of the Journal.
- Consideration of motions and Senate resolutions.
- Reports of standing committees.
- General Orders.

Messages from the Governor, from the House, introduction and reference of bills and concurrent resolutions, and reports of standing and select committees may be received and considered under any order of business. The presentation of petitions is a Special Order of Business on Friday of each week immediately preceding the regular order of business.

In the House. The House usually convenes at 11:00 a.m. until late in the legislative session when meeting time is 9:00 a.m. and usually earlier on Fridays. House committees normally meet at 9:00 a.m., 1:30 p.m., and 3:30 p.m. Near the deadline for consideration of bills in the house of origin and toward the end of the session, afternoon meetings of the House are common. The regular order of business, as specified in the rules and as set forth in the daily calendar, is as follows:

- Speaker takes the chair and calls the House to order.
- Roll call.
- Prayer.
- Pledge of Allegiance.
- Correction of the Journal.
- Introduction and reference of bills and concurrent resolutions
- Reports of select committees.
- Receipt of messages from the Governor.
- Communications from state officers.
- Messages from the Senate.
- Reference of Senate bills and concurrent resolutions.
- Introduction and notice of original motions and House resolutions.
- Consideration of motions and House resolutions offered on a previous day.
- The unfinished business before the House at the time of adjournment on the previous day.
- Consent Calendar.
- Final Action on bills and concurrent resolutions.
- Bills under consideration to concur or nonconcur.
- General Orders of the day, consisting of bills and concurrent resolutions ready to be considered in Committee of the Whole.
- Reports of standing committees.

The presentation of petitions is a special order of business on Friday of each week immediately preceding the regular order of business.

66. Variations from Regular Order of Business.

Special Orders. In the Senate, by a two-thirds vote, the consideration of a bill or resolution may be made a special order for a particular day or hour, at which time it will take precedence over any other business. (See Robert's Rules of Order) In the House, all requests and motions for special orders must be referred to the Committee on Rules and Journal which designates particular times and days for special orders and reports to the House for its approval. A vote of two-thirds of the members present is required for approval of the Committee's report. A special order (other than an executive reorganization order) may not be set more than seven days in advance. The special order procedure is used infrequently. In both houses, consideration of executive reorganization orders is a special order of business.

Suspension of the Rules. Any matter may be considered out of the general order of business by a suspension of the rules. A motion to suspend the rules may be made and considered under any order of business. However, the voting requirement is different in the two houses; it also varies within the House on different motions. The Constitution provides that no bill shall be passed on the day it is introduced, unless an emergency is declared by two-thirds of the members present in the house where the bill is pending. The House rule contains the same requirement. The Senate rule is somewhat more stringent. It requires a two-thirds vote of all senators elected (or appointed) and qualified.

The general Senate requirement for other suspension is the simplest. Adoption of the motion to suspend the rules requires a two-thirds affirmative vote of all senators elected (or appointed) and qualified. The House rule states that no rule may be suspended except by unanimous consent or by a vote of a majority of the members elected (or appointed) and qualified to the House, except that emergency suspension of the constitutional rule of not passing a bill on the day it is introduced and suspension to permit amendment and debate of a bill on Final Action both require an affirmative vote of a two-thirds majority of the members of the House who are present. The House rule further provides that when adoption of a motion requires a majority greater than a majority of the members present, the majority specified for such motion also is required in order to suspend the rules to consider such a question. Suspension of the rules does not result in any reduction of the majority required for adoption of a motion, the majority for which otherwise would be reduced by the giving of prior notice that a motion would be offered. Both houses treat a motion to declare an emergency, suspend the rules, and advance a bill or resolution to Final Action as one motion. In the Senate, this motion is debatable on the question of the emergency. Otherwise, in both houses, other motions to suspend the rules are decided without debate.

Proper motions and practices, and the effect of suspension of the rules, have been discussed in previous sections at each particular step in the process.

Unanimous Consent. Deviation from the regular order of business frequently is accomplished by unanimous consent. This device is used, in practice, to expedite business in a variety of ways. The most common is to refer back, at the end of the day, to an order of business

which has been passed, such as Introduction of Bills, Reports of Standing Committees, or Original Motions. Unanimous consent also has been used to have a bill passed over on Final Action and retain its place on the calendar in the House, a bill can be withdrawn from General Orders or the Committee of the Whole and rerefer it to a standing committee.

Any member, of course, when unanimous consent is asked by another, may block the proposed action by simply objecting. When unanimous consent is not granted, the usual recourse ordinarily would be a motion to suspend the rules. In practice, objections rarely are registered. This is because the members routinely are advised in advance of the nature of the work schedule for the day and because unanimous consent usually is not requested for any action of a controversial nature.

Session Proforma. House rules provide that the House may meet from time to time for the sole purposes of processing routine business. These sessions shall be known as Session Proforma. The only orders of business that may be considered during Session Proforma are:

- Introduction and Reference of Bills and Concurrent Resolutions;
- Receipts of Messages from the Governor;
- Communications from State Officers;
- Messages from the Senate;
- Reports of Standing Committees; and
- Presentation of Petitions.

No motions shall be in order other than the motion to adjourn.

XIX.
RESOLUTIONS



XIX. RESOLUTIONS

67. Simple Resolutions. There are two kinds of resolutions which are used by the Legislature. These are simple resolutions, *i.e.*, House or Senate resolutions, and concurrent resolutions.

A House or Senate resolution applies only to business connected with the house in which it arises and is not acted upon by the other house. Such simple resolutions are used to express a formal determination of one house, *i.e.*, to organize at the beginning of each session, to adopt or amend the rules of the house, or as a means to express throughout the session the sentiment of the House or Senate upon a particular matter. The resolving clause of a simple resolution is: "Be it resolved by the Senate (House of Representatives) of the State of Kansas." A House or Senate resolution not adopted or killed by the Legislature upon adjournment of a regular session, die at the end of the session.

Senate rules provide that resolutions must be in writing, be read, and lie over one day. With the exception of resolutions to amend the rules, there is no requirement for printing unless so ordered, and there is no roll call unless ordered. Either the requirement to read the resolution or to allow it to lie over one day may be dispensed with by a majority of the Senators present and voting.

The House rules require resolutions to lay over one day, except for those changing the rules or those pertaining to executive reorganization orders. There is no roll call vote on resolutions unless 15 members demand it or unless the resolution pertains to an executive reorganization order. House resolutions are not printed

except for those to amend the House rules, those to approve or disapprove executive reorganization orders, and those that have been referred to a committee.

The House issues certificates to commend, memorialize, or otherwise recognize persons and events at the members' request.

68. Concurrent Resolutions. Concurrent resolutions are used to express the formal determination or sentiment of both houses of the Legislature, and, therefore, must be acted upon by both houses. They do not require the approval of the Governor. Concurrent resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no adjournment.

Concurrent resolutions are used regularly in five classes of cases. The first two of these relate to calling constitutional conventions and to submitting amendments to the *Kansas Constitution* and ratifying amendments to the *U.S. Constitution*.

The third general group concerns the mere expression of an opinion or sentiment by the Legislature. Resolutions memorializing the United States Congress, relating to the commendation of a public figure, or expressing an opinion on any subject, in contrast to passing a law thereon, are regularly in the form of concurrent resolutions.

The fourth group is comprised of concurrent resolutions which request a state agency to revoke or amend certain rules and regulations as specified in the resolution.

In the fifth group, definite action is taken which applies primarily to the Legislature itself and its officers and does not affect directly the rights of any persons not members of the Legislature. Illustrations of such action are: providing for a joint meeting of the two houses, adopting parallel construction joint rules, appointing joint committees, agreeing upon final adjournment, creating a commission of legislators to investigate public offices, and directing the Legislative Coordinating Council to make studies and reports.

A concurrent resolution which originates in the House of Representatives is called a House concurrent resolution. If the concurrent resolution is of the type included in the first two groups described above, is to extend a legislative session in an even-numbered year, or is the type required by the joint rules, it contains the following resolving clause: "Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) to the House of Representatives and two-thirds of the members elected (or appointed) to the Senate concurring therein." For other House concurrent resolutions the resolving clause is as follows: "Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein." Such concurrent resolutions are read, are printed, and require for adoption an affirmative vote of a majority of the elected (or appointed) members.

House concurrent resolutions proposing to amend the *Kansas Constitution*, to call a constitutional convention to amend or revise the *Kansas Constitution*, to ratify an amendment to the *U.S. Constitution*, to apply for a U.S. constitutional convention, or to amend the joint rules are referred by the Speaker in the same manner as bills. Other concurrent resolutions may be considered on the

day of introduction under Introduction and Reference of Bills and Concurrent Resolutions.

A concurrent resolution originating in the Senate is called a Senate concurrent resolution. The resolving clause of a Senate concurrent resolution is the same as for a House concurrent resolution (as described above) except that the order of reference to the two houses is reversed, *i.e.*, the Senate is named first. The Senate rules require that Senate concurrent resolutions be in writing, be read by title, and lie over one day. The rule requires assignment of a concurrent resolution to amend the Constitution to the proper committee. The President has the option of referring other concurrent resolutions to the proper committee. All Senate concurrent resolutions are printed and require a roll call on motion to adopt.

Both simple and concurrent resolutions usually contain a preamble or introductory statement or statements which begin with “whereas” and appear just before the resolving clause. Their purpose is to explain the condition or circumstance which renders the resolution proper or expedient (Figure 18).

FIGURE 18

Senate Concurrent Resolution

SENATE CONCURRENT RESOLUTION No. 1609

A CONCURRENT RESOLUTION urging Congress to provide funding to the Kansas Department of Transportation to improve and upgrade the department's radio communication system.

WHEREAS, Providing law enforcement and emergency response services in Kansas is often complicated by great distances between communities where services are located; and

WHEREAS, Adequate response to natural or man-made disasters requires coordination of a number of response agencies; and

WHEREAS, The Kansas Department of Transportation operates for its own use and for the Kansas Highway Patrol an 800 MHz radio communication system; and

WHEREAS, Creation and maintenance of a statewide interoperable radio communication system for the use of state and local law enforcement, emergency services providers, and public health and safety agencies is in the best interest of the citizens of Kansas and the citizens of the United States: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Legislature supports the initiative of the Kansas Department of Transportation to improve and upgrade the department's radio communication system to a truly statewide ANSI/TIA Project 25 interoperable radio communication system; and

Be it further resolved: That the Legislature supports the Kansas Department of Transportation's project to assist state and local law enforcement and other public health and safety entities in meeting their needs for access to a truly statewide ANSI/TIA Project 25 interoperable radio communication system; and

Be it further resolved: That the Legislature strongly urges the Congress of the United States to provide funding in support of the creation of a Kansas statewide ANSI/TIA Project 25 interoperable radio communication system; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to each member of the Kansas Congressional delegation and the President of the United States.

I hereby certify that the above CONCURRENT RESOLUTION originated in the SENATE, and was adopted by that body

President of the Senate.

Secretary of the Senate.

Adopted by the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

XX.
CONSTITUTIONAL AMENDMENTS



XX. CONSTITUTIONAL AMENDMENTS**69. Amendments to the State Constitution.**

Amendments to the *Kansas Constitution* may be proposed by concurrent resolution originating in either house. If a proposed amendment is approved by two-thirds of all members elected (or appointed) and qualified to each of the two houses, it is published in the manner provided by law. The title of the submitted proposition must be a brief nontechnical statement expressing the intent or purpose of the proposition and the effect of a vote for or against the proposition. The proposition must be submitted, by title and by the amendment as a whole, to the electors at the next general election or a special election for approval or rejection. If the proposed amendment is approved by a majority of the electors voting, it becomes a part of the Constitution. When two or more amendments are submitted at the same time, they must be submitted so as to enable the electors to vote for or against each amendment separately. No more than five amendments to the *Kansas Constitution* may be submitted at the election. One amendment may revise an entire article of the Constitution (except for the article on general provisions).

70. Constitutional Convention. The Legislature, by the affirmative vote of two-thirds of the all the members elected to each house, may submit to the voters at the next general election the question of calling a convention to revise or amend the state Constitution. The question placed before the voters may be in the form of an unlimited constitutional convention or it may limit such a convention to the revision of the articles specified in the question. If a majority of all the electors voting at such election vote in favor thereof, delegates to the convention will be elected at the next general

election, unless the Legislature has provided by law for the election of delegates at a special election.

(Proposals for a constitutional convention were submitted to the electors in 1879 and 1891. Both propositions were defeated.)

71. Amendments to the U.S. Constitution. The *U.S. Constitution* provides two methods in which amendments to the *U.S. Constitution* may be proposed: first, by two thirds of both Houses of Congress, second, by Constitutional Convention to be called by two-thirds of the legislatures of the States. Regardless of the method used, the proposed amendment shall be valid when ratified by the legislatures of three-fourths of the states or by conventions in three-fourths of the states.

In Kansas, when legislative ratification is used, it is accomplished by a concurrent resolution. Ratification is solely by the Legislature, and does not require the approval of the Governor. Under the *Kansas Constitution*, such resolutions require a two-thirds vote of the members then elected (or appointed) and qualified of each house.

XXI.
EXECUTIVE REORGANIZATION



XXI. EXECUTIVE REORGANIZATION

72. Executive Reorganization Orders. The *Kansas Constitution* authorizes the Governor to issue executive reorganization orders for the purpose of transferring, abolishing, consolidating, or coordinating functions in the executive branch of state government. Legislative and judicial agencies and functions and constitutionally delegated functions of state officers and state boards are exempt from such orders. Executive reorganization orders must be transmitted to both houses of the Legislature on the same day within the first 30 calendar days of a session. An executive reorganization order becomes effective on July 1 following the transmittal to the Legislature unless within 60 calendar days and before the adjournment of the legislative session either the Senate or the House, by a majority vote of the members, adopts a resolution disapproving it. Portions of an order may become effective at a later time than the order is otherwise effective. An executive reorganization order, the same as a statute, may be amended or repealed.

House and Senate rules provide that an executive reorganization order is assigned to the appropriate committee. The committee must report its recommendations by not later than the 60th calendar day of the session and not later than 30 calendar days after the order has been received, whichever occurs first. This report is in the form of a simple resolution. If the committee fails to report in accord with these deadlines, the executive reorganization order and the resolutions pertaining thereto are deemed returned without recommendation. Within the applicable time constraints, the House and Senate must act to approve or reject each such order, unless the other house

already has acted to disapprove the order. Such action is scheduled as a special order of business.

XXII.
THE BUDGET PROCESS



XXII. THE BUDGET PROCESS

73. The Kansas Budget. The Kansas budget is an executive budget, in that the budgetary recommendations of the Governor are embodied in the appropriation bills which are introduced and considered by the Legislature. The Legislature makes many adjustments to the Governor's budgetary recommendations; however, traditionally it is the Governor's recommendations that form the appropriations bills as they are introduced and serve as a benchmark for recording and measuring legislative action throughout the appropriations process. The Kansas budget is comprehensive in that the *Kansas Constitution* (Art. 2, Sec. 24) provides that no funds may be expended from the state treasury except pursuant to appropriations acts. Thus, for example, the Legislature appropriates revenue from state taxes, state-imposed fees and licenses, other agency earnings, and federal grants that come to the state.

74. Agency Budget Requests/Governor's Budget Report. Although the Legislature is not involved in any formal manner in the procedures established for preparation and submission of agency budget requests and preparation of the Governor's budget report, it receives detailed information resulting from the executive budget-making process for use in its consideration of proposed appropriations.

Agencies are directed by law to prepare their budget requests in the format determined by the Director of the Budget and they are to include such detailed supporting information as the Director determines. Most state agencies are required by law to submit their agency budget requests by no later than October

1 of each year (customarily, the deadline specified by the Director of the Budget is September 15). Agency budget requests are submitted to the Division of the Budget and the Legislative Research Department. However, beginning in September of 1994, 20 small occupational and professional licensing boards and financial institution regulatory agencies (sometimes referred to as “fee” agencies – because their operations largely are supported by fees charged for the regulatory function provided) commenced submitting, in odd-numbered years, their budget requests biennially, *i.e.*, for the next two fiscal years. Since then, two of these fee boards merged and a non-fee agency (Governmental Ethics Commission) was added, still leaving the total at 20. These 20 agencies are authorized to file budget adjustment requests in the even-numbered years.

The main budget submission by all agencies is their request for operating expenditures. Agency budget requests include a current services level (maintaining current funding and services), and any enhancements to current programs or the addition of new programs. The combined current services level and the enhanced funding together reflect the agency’s request. Selected agencies are also directed to prepare a budget that reflects a reduced resources level (below current funding and services.) The law also includes requirements that an agency proposing capital improvement projects for construction of a building or for major repairs or improvements to a building submit a five-year capital improvements budget (by July 1); that an agency requesting appropriations for enhancement of present services or new activities include a four-year estimate of the expenditures required to support the activities; and that an agency list separately all programs that provide services for children and their families and the appropriations requested therefor, including information

on the number of children and families served by the program. The budget request of the Judicial Branch as a result of 2003 legislation, is fully included within the Governor's budget recommendations without any adjustments.

The Director of the Budget, an appointee of the Governor, is directed by law to review the detailed requests submitted by the Executive Branch agencies, to make revisions thereto as the Director deems warranted, and to report such revisions to the affected agencies. By an appeals procedure (formal by law, largely informal by current practice), the agency is given an opportunity to respond to the Director's proposed revisions, including the presentation of additional information to support the original request or a modification thereof.

The Governor (or by law, the incoming Governor as the case may be) determines the substance of the budget report for submission to the forthcoming legislative session. Available to the Governor in the final decision process are the revisions recommended by the Director of the Budget, the information supplied by the agencies, and the counsel of other advisors upon whom the Governor may rely. Under the Governor's direction, the Director of the Budget prepares the Governor's budget report, which the law requires to be submitted on or before the eighth calendar day of each regular legislative session (or the twenty-first day during any session which immediately follows election of a new Governor). Eventually, the Legislative Research Department receives from the Division of the Budget the Governor's recommendation for each agency. The Legislative Research Department budget analysis is provided to all legislators about three weeks after submission of the Governor's budget report.

75. Legislative Appropriations Process. The Governor's recommendations traditionally are embodied in appropriations bills. Appropriations are initially divided into three bills: supplemental or current year revision appropriations, capital improvement appropriations, and budget year appropriations. Each of the bills are simultaneously introduced as three identical House and Senate bills, each in their respective chamber. Ultimately, after full legislative action on the bills, they are merged into a single bill for final legislative approval. Approximately one-half of the agencies receive initial consideration in the House Appropriations Committee and the other one-half receive initial consideration in the Senate Ways and Means Committee. Biennially, the cycle is reversed and agencies which received initial action in the Senate for the immediately preceding two years transfer to the House for initial consideration and vice-versa. An exception to this procedure has been funding for the small fee supported agencies, which, in practice, has received initial consideration in the House.

Consideration by First House. The chairperson of the Ways and Means Committee appoints subcommittees to consider appropriations for various agencies. Subcommittees vary in size. Usually between two and five persons are named to a subcommittee. In the House, the Speaker appoints several budget committees to consider appropriations for various agencies. Budget committees also vary in size, from five to nine members. Budget committee members include appropriation and non-appropriation committee members. The Budget committees are chaired by a member of the Appropriations Committee.

After reviewing the budget requests, the subcommittee or budget committee drafts a report which details

all budgetary adjustments to the Governor's recommendations that the subcommittee or budget committee supports. Additionally, the subcommittee or budget committee report may contain programmatic recommendations.

Once the subcommittee or budget committee report is prepared, it is presented to the full Appropriations/Ways and Means Committee. The Committee may adjust the recommendations of the subcommittee or budget committee in any particular manner or it may adopt the report as submitted. Appropriations bills are reprinted to reflect the recommendations of the Appropriations/Ways and Means Committee.

The bill manager for an appropriations bill is an Appropriations/Ways and Means Committee member, usually the chairperson or a member of one of the subcommittees or budget committee that reviewed agencies contained in the bill. The bill manager is designated by the committee chairperson. Frequently, appropriations bills are amended by the Committee of the Whole. They are reprinted to reflect any such amendments.

Consideration by Second House. The process for review of an appropriation bill in the second house repeats the steps followed in the house of origin.

Conference Committee Action. Upon completion of consideration of a major appropriations bill by the second house, the bill typically goes to a conference committee so that differences between the House and Senate versions of the bill can be reconciled.

The Legislature and its committees have available during consideration of the proposed appropriations

the Governor's budget report, the detailed agency budget requests, and an analysis prepared by the Legislative Research Department which contains detailed information (but no recommendations) concerning the agencies' requests and the Governor's recommendations. In addition, a narrative report is prepared that summarizes the changes made in each step of the appropriations process.

76. Revenue Estimates. It is of critical importance to the Governor and the Legislature to have as accurate information as is possible regarding revenues the state is expected to receive in the near term (usually the current fiscal year and the next one) to address state spending priorities. Beginning in 1974 and in every year since, there has been an informal consensus approach involving the legislative and executive branches (Division of Budget, Legislative Research Department, and one consulting economist each from Kansas, Kansas State, and Wichita State universities) for estimating revenues to the State General Fund. These consensus estimates have been used by both the Governor and the Legislature. Legislation enacted in 1990 (and amended in 2003 and 2004) provides a timetable and certain procedures to be followed in the preparation of estimates of revenue to the State General Fund. The law requires that on or before December 4 and April 20, the Director of the Budget and the Director of the Legislative Research Department prepare a joint estimate of revenue to the State General Fund for the current and ensuing fiscal year. If legislation is passed affecting State General Fund revenue, the two directors prepare a joint estimate of such revenue. If the two directors are unable to agree on the joint estimates, the Legislature must use the estimate of the Director of the Legislative Research Department and the Governor must use the estimate of the Director of the Budget.

(To date, the two directors successfully have reached agreement on these revenue estimates.)

77. Omnibus Appropriations Bill. The Kansas Legislature usually adjourns its regular session sometime in early April and returns for a wrap-up session that occurs roughly two and one-half weeks following the first adjournment. During the wrap-up session, the Legislature takes action on a number of items of unfinished business, one of which is known as the Omnibus Bill. This bill is called the Omnibus Bill because it includes appropriations for a wide variety of purposes and for every agency requiring further appropriation action for the current or forthcoming fiscal year. The Omnibus Bill normally contains three basic types of items: technical adjustments to previous appropriations bills, financing for Governor's budget amendments which were not considered as a part of regular appropriations bills, and financing of substantive legislation that passed the Legislature earlier in the session.

Additionally, this bill sometimes includes various items of interest to individual legislators that are offered as amendments during either Appropriations/Ways and Means Committees or Committee of the Whole deliberations. The Omnibus Bill also differs from other appropriations bills in that the Omnibus Bill, as introduced, actually is prepared by a legislative committee. Most other appropriations bills, while nominally authored by the Appropriations/Ways and Means Committees, actually begin as the Governor's recommendations. The Omnibus Bill is one of the last bills passed each session.

78. Omnibus Reconciliation Spending Limit Bill. Legislation enacted in 1990 specified that, beginning

with the 1992 regular session, the last appropriations bill passed in any regular session is the Omnibus Reconciliation Spending Limit Bill. Each bill passed during a regular session which appropriates or transfers money from the State General Fund for the ensuing fiscal year must contain a provision that such bill takes effect from and after the effective date of the Omnibus Reconciliation Spending Limit Bill for that session (or from and after such date and some subsequent date). The Omnibus Reconciliation Spending Limit Bill is relied upon to reconcile total State General Fund expenditure authorizations with statutorily prescribed ending balance targets. Since the inception of this law, the practice has been to merge the Omnibus Bill and Omnibus Reconciliation Bill into one measure.

79. Spending Restraint. Another feature of 1990 legislation, as modified in 1994, established targeted year-end balances in the State General Fund commencing in FY 1995 of 7.5 percent of expenditures and demand transfers authorized from the State General Fund for the upcoming fiscal year. However, the Legislature on occasion, has modified or suspended for one year at a time, the 7.5 percent of expenditures ending balance requirement.

80. State Finance Council. Kansas law (KSA 75-3708 *et seq.*) provides a mechanism for making certain budgetary and personnel adjustments during times when the Legislature is not in session by utilizing the State Finance Council. The State Finance Council consists of nine members (Governor, Speaker of the House, President of the Senate, and House and Senate majority leaders, minority leaders, and Appropriations/Ways and Means Committees chairpersons). Due to Kansas Supreme Court decisions concerning separation of powers between the executive and

legislative branches of government, the powers of the Finance Council are more limited now than in the original law with respect to personnel matters.

The Governor serves as chairperson of the Finance Council. Meetings are at the call of the Governor who also prepares the agenda for Finance Council meetings. Items are eligible to receive Finance Council consideration only if they are characterized as a legislative delegation to the Finance Council. Approval of Finance Council items typically requires the vote of both the Governor and a majority of the legislative members. A unanimous vote of the entire Council is required to authorize expenditures from the State Emergency Fund.

Present statutes characterize the following items as legislative delegations, allowing them to receive Finance Council approval under certain circumstances:

- Increase of expenditure limitations on special revenue funds and State General Fund reappropriations.
- Authorization for agencies to receive and expend moneys appropriated by federal act or any other source, if such agencies do not already have such authorization.
- Authorization for state agencies to contract with other state or federal agencies, if such agencies do not already have such authorization.
- Authorization of expenditures from the State Emergency Fund for purposes enumerated in statute.

- Increase of limitations on positions imposed by appropriation acts for most state agencies.

Additionally, certain items occasionally are characterized as legislative delegation by individual acts, allowing them to receive Finance Council action. For example, the Finance Council must approve: issuance of certificates of indebtedness (temporary borrowing from the pool money managed by the Pooled Money Investment Board in the event of State General Fund cash flow problems within a fiscal year); across-the-board reductions in General Fund expenditures, if the Budget Director estimates that the balance in the General Fund will be less than \$100 million at the end of a fiscal year; certificate of participation arrangements for financing of personal property or fixtures acquired by one or more state agencies, as proposed by the Secretary of Administration; and Kansas Development Finance Authority bond issues for activities and projects of state agencies, as requested by the Secretary of Administration (not otherwise specifically authorized by an act of the Legislature).

Sometimes the Legislature makes an appropriation or authorizes expenditure of funds for a specified purpose and includes a proviso making release of the funding or expenditure from the account subject to Finance Council release. Typically, this release is made subject to agency compliance with certain conditions, *e.g.*, securing review by a specific committee such as the Joint Committee on State Building Construction (for capital improvement projects), achieving a level of matching funds, or providing a more detailed plan for expenditures.

The Finance Council cannot appropriate money from the State General Fund, authorize expenditures for a

purpose that specifically was rejected by the previous legislative session, or commit future legislative sessions to provide funds for a particular program.

XXIII.
ADMINISTRATIVE RULES AND
REGULATIONS REVIEW PROCEDURE



**XXIII. ADMINISTRATIVE RULES AND
REGULATIONS REVIEW PROCEDURE**

81. Background. Since 1939, Kansas statutes have provided for legislative oversight of rules and regulations filed by state officers, boards, departments, and commissions. That initial enactment simply declared that all rules and regulations of a statewide character filed in the Office of the Revisor of Statutes would remain in force until and unless the Legislature disapproved or rejected the regulations. Not until 1974, however, did the Legislature take steps to formalize an oversight process. In that year, all filed rules and regulations were submitted to each house of the Legislature. Within 60 days of that submission, the Legislature could act to modify and approve or reject any of the regulations submitted. Amendments of the 1977 Legislature created the statutory Joint Committee on Administrative Rules and Regulations. In 1984, the Kansas Supreme Court held that a procedure adopted in 1979 which authorized the use of concurrent resolutions to modify or revoke administrative rules and regulations violated the doctrine of separation of powers under the *Kansas Constitution*.

82. Current Practice. The law charges the 12-member Joint Committee on Administrative Rules and Regulations to review all proposed rules and regulations during the 60-day public comment period prior to the required public hearing on the proposals (includes forms used by agencies which are excluded from the definition of rules and regulations). Upon completing its review activities, the Joint Committee may introduce legislation it deems necessary in performing its review functions.

The law permits the Legislature to adopt a concurrent resolution that expresses the concern of the Legislature with any permanent or temporary rule and regulation. The concurrent resolution may request revocation of the rule and regulation or amendment in the manner specified in the concurrent resolution. When such a concurrent resolution is adopted, it serves as grounds for the agency to adopt a temporary regulation which addresses the concerns expressed.

The Joint Committee also reviews economic impact statements required by law to be prepared by agencies to accompany their proposed rules and regulations. In this regard, the Joint Committee may instruct the Director of the Budget to review the agency's economic impact statement and prepare a supplemental or revised statement.

XXIV.
SENATE CONFIRMATION
OF
APPOINTMENTS



XXIV. SENATE CONFIRMATION OF APPOINTMENTS

83. Appointments. All appointments made by the Governor or other state official, which are subject to Senate confirmation, may be considered and acted upon in either executive or regular session. However, no final action may be taken in executive session.

The prevailing practice under the Senate rule is that the President refers nominations and appointments to appropriate committees for consideration. These nominations or appointments and the committee reports thereon must be returned to the Senate within 20 days after referral, unless additional time is granted by a majority vote of the senators present. If it is not returned in the time allotted, on the next legislative day the nomination or appointment is deemed to have been returned to the Senate without recommendation. Nominations or appointments may be considered anytime after their return to the Senate.

A motion to confirm or reject an appointment or nomination that has not yet been returned to the Senate requires unanimous consent unless one day's previous notice is given. The statutes provide that confirmation requires the affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified. Should the Senate not be in session when the vacancy occurs, the Confirmation Oversight Committee performs this function.

XXV.
REPRIMAND, CENSURE, OR
EXPULSION
OF MEMBERS



XXV. REPRIMAND, CENSURE, OR EXPULSION OF MEMBERS

84. Reprimand, Censure, or Expulsion. The *Kansas Constitution* requires each house to provide for censure or and expulsion of members in appropriate cases. House and Senate rules establish the procedure to be followed in the event circumstances give rise to consideration of reprimand, censure, or expulsion of a member.

The process is initiated by a member of the house lodging a complaint against another member of the body and requesting that the member be reprimanded, censured, or expelled for misconduct. The complaint is filed with the Chief Clerk of the House or the Secretary of the Senate, as the case may be.

In the House, the Speaker appoints a select committee of six members, comprised equally of majority and minority members, to consider the matter. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. The member must be given reasonable notice and an opportunity to appear at any hearing that is conducted. The select committee is an investigative committee which is empowered to exercise compulsory process in accord with applicable statutory provisions. Upon completion of its hearings and deliberations, the select committee may dismiss the complaint or may make recommendations to the House for reprimand, censure, or expulsion. Without further hearings or investigations, the House may reprimand, censure, or expel the member. Reprimand, censure, or expulsion requires an affirmative vote of

two-thirds of the members of the House elected (or appointed) and qualified.

The Senate procedure is similar to that prescribed for the House, except that at least three members must sign the complaint. Further, the select committee appointed by the President must be composed of five members of the Senate, no more than three of whom may be from the same political party. No member of the select committee may be a member who signed the complaint prompting the inquiry.

There have been no reprimands, censures or expulsions in recent years.

XXVI.
IMPEACHMENT AND CONVICTION
OF
CONSTITUTIONAL OFFICERS



XXVI. IMPEACHMENT AND CONVICTION OF CONSTITUTIONAL OFFICERS

85. Impeachable Offenses. The *Kansas Constitution* specifies that the Governor and all other officers under the Constitution shall be removed from office by impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

86. Impeachment. Impeachment is a two-step process consisting of the impeachment and the trial. The Constitution places the power to impeach in the House and directs that the trial of an impeached official be conducted by the Senate.

Under the House rules, the Speaker either refers an impeachment inquiry or other impeachment matter to any standing committee or appoints a select committee of House members. If this latter option is selected, majority and minority party representation on the select committee must be proportional to the party's representation in the House. The select committee may be appointed at any time and meets on the call of the chairperson or at the direction of the House. If the impeachment inquiry is referred to a standing committee, the chairperson determines when meetings will be held.

The committee report is made to the full House (but may be submitted preliminarily to the Speaker). The Speaker or a majority of the members then elected (or appointed) and qualified may call the House into session at any time to consider an impeachment matter.

The *Kansas Constitution*, statutes, and the Rules of the House of Representatives are silent on the vote

to impeach. This suggests, unless the House were to determine otherwise, that a simple majority vote would determine the impeachment inquiry or impeachment matter.

87. Trial. When the House has approved the articles of impeachment (the written accusation of the constitutional officer, drafted and approved by the House) and ordered impeachment, the House shall appoint a board of managers, from its own members, to prosecute the matter before the Senate. The Attorney General shall be associated with the board of managers in the trial of any case of impeachment. The chairperson of the board of managers shall deliver the articles of impeachment to the Senate within five days of approval by the House.

The Senate rule requires the President to call the Senate into session within 30 days of the President's receipt of the request by the board of managers to place articles of impeachment before the Senate. The Senate rule further provides that by a majority vote of members then elected (or appointed) and qualified, the Senate may determine the rules applicable to the impeachment trial. (Certain statutory provisions address procedures of the impeachment trial. But, the rule asserts the Senate's inherent powers in this domain, indicating that applicable statutory procedures "may" be observed.)

Senators shall take an oath to do justice according to the law and the evidence before the trial on the impeachment commences. The board of managers and the accused have the right to issue subpoenas to witnesses and for books and papers. The Senate has

the power to enforce the subpoenas with a fine and imprisonment.

The constitutional requirement for conviction is a two-thirds vote of the senators then elected (or appointed) and qualified. If convicted, the constitutional officer shall be removed from office and shall pay the costs of the proceeding. If the constitutional officer is acquitted, he or she is entitled to his or her costs.

There have been no impeachment proceedings since the impeachment trials of Will J. French, Auditor of the State of Kansas and Roland Boynton, Attorney General of the State of Kansas in 1933.

XXVII.
LEGISLATIVE AGENCIES



XXVII. LEGISLATIVE AGENCIES

88. Legislative Coordinating Council. The Legislative Coordinating Council (LCC), created by the 1971 Legislature to replace the Legislative Council, represents the Legislature when that body is not in session and has general authority over all legislative services. The LCC has seven members: the President of the Senate, the Speaker of the House of Representatives, the Speaker Pro Tem of the House, the majority leaders of the Senate and House, and the minority leaders of the Senate and House. The chairperson and vice-chairperson rotate (beginning in January of each year) between the President and Speaker, with the Speaker serving as chairperson in even-numbered years and the President serving as chairperson in odd-numbered years.

The LCC normally meets monthly between legislative sessions. It also meets on the call of the chairperson or any three members. A majority vote of five members is required for any action, except that action relating solely to one chamber of the Legislature may be authorized by the unanimous vote of LCC members from the chamber.

When the Legislature is not in session, the LCC governs much of the legislative committee work and activities that occur. Some of the legislative study groups that are not under direct LCC control include the Commission on Interstate Cooperation, Legislative Post Audit Committee, Joint Committee on State Building Construction, Joint Committee on Economic Development, Joint Committee on Information Technology, Joint Committee on State-Tribal Relations, and the standing Appropriations/Ways and Means

Committees of the House and Senate. Additionally, there often are a few study groups composed of both legislators and nonlegislators that are not under direct LCC control.

The LCC appoints interim legislative committees to study various specified policy issues. The statute provides that study proposals may be in the form of concurrent resolutions adopted by the Legislature directing the LCC to provide for legislative studies of certain topics; legislative studies proposed by one or more of the LCC members; or requests for special legislative studies made by one or more legislators, any legislative committee, or the Governor. In practice, proposals for studies suggested by interest groups or the general public also are considered. In the case of special interim committees, the LCC appoints members of the House and Senate to serve on the committees, assigns the matters to be studied, and authorizes the meetings of the special committees during the interim.

The LCC also has responsibility for the assignment of space as well as the maintenance of parts of the Statehouse. In addition, the LCC authorizes contracts for purchases of personal property or services. The Director of the Legislative Research Department, the Revisor of Statutes, the Director of Legislative Administrative Services, and the Legislative Counsel, are appointed by the LCC, which also approves the budgets for these agencies. The LCC also appoints the Chief Information Technology Officer.

89. Legislative Research Department. The Legislative Research Department (KLRD) performs legislative research and other duties as directed by the LCC. The KLRD provides staff services, both general research and fiscal analysis, to special committees,

select committees, and most standing committees during the legislative session and during the interim. Examples of specific duties performed by the KLRD include assisting committee chairpersons in planning the work of the committee and in preparing agendas; formulating questions for committee chairpersons and members; preparing various memoranda and reports; preparing supplemental notes (explanations) for bills reported by committees to the house (except for bills reported adversely); assisting legislators in researching topics and in responding to requests from constituents; analyzing agency requests for appropriations and the fiscal impact of proposed legislation; and participating in revenue and expenditure forecasting. Access to information produced by KLRD may be accessed at:

<http://www.kslegresearch.org/klrd.html>

90. Revisor of Statutes' Office. The Revisor of Statutes' Office drafts bills, resolutions, and other legislative documents and provides legal consultation and research services for all committees and legislators, as well as other services as directed by the LCC. The office provides legal staff for special interim committees, select committees, joint statutory committees and standing committees. The Revisor acts as secretary to the LCC and to the Interstate Cooperation Commission. The Office of the Revisor of Statutes edits and publishes the *Kansas Statutes Annotated* (KSA) and annual supplements to the KSA. The Revisor of Statutes supervises and operates a comprehensive computerized legislative information system. As part of the legislative information system, a report of Senate and House actions on all bills is published weekly. The bill tracking information system may be accessed by the public through a video display terminal located in the statehouse on the third floor

near the east elevator. The Kansas Statutes can be accessed at:

<http://www.ksrevisor.org/ksa.html>

91. Legislative Administrative Services. The Division provides administrative staff services to the elected officers and the members of the House and Senate, as directed by the LCC. The Division acquires equipment, facilities, and supplies; makes provision for computer services; administers the personnel records of members and employees of the Legislature; recruits and supervises administrative, clerical, and secretarial personnel as specified by the LCC; provides notices of legislative study committee meetings; and maintains reports, minutes, pamphlets, books, or other materials submitted to the Legislature.

92. Legislative Counsel. The law provides that the LCC appoints the Legislative Counsel who is to be an attorney in private practice employed by the LCC by contract. Under the direction of the LCC, this officer serves as legal counsel and represents the Legislature, or either chamber, in any school finance litigation or any other legal matter. When the Legislature is in session, either chamber by resolution or both chambers by concurrent resolution, may authorize the LCC to direct the Legislative Counsel to participate in any matter. The LCC has authority over the activities of the Legislative Counsel during the interim. Among the duties which may be performed by this officer, upon the direction of the LCC, are acting as counsel for special or select committees, providing investigative services, conducting examination of witnesses, and participating in committee hearings and deliberations as deemed necessary by committee chairpersons. Also, in accord with LCC policies, the Legislative Counsel prepares

unofficial advisory opinions on legal questions submitted by a member or committee of the Legislature.

93. Legislative Division of Post Audit. The ten-member Legislative Post Audit Committee appoints the Legislative Post Auditor and oversees the operation of the Legislative Division of Post Audit. The Committee is composed of five members of the House (three appointed by the Speaker and two by the Minority Leader) and five members of the Senate (three appointed by the President and two by the Minority Leader). The Division conducts two types of audits: performance audits and compliance and control audits. In addition, certified public accounting firms under contract with the Division conduct an annual financial-compliance audit of the state's financial statements, as well as annual audits of the Kansas Public Employees Retirement System and the Kansas Lottery. This audit work is conducted so that it also meets the state's federal audit requirements. Enacted in 2005 was a new 5-person school district audit team within the Division. Audit topics for this new team are selected by the 2010 Commission. The Division may contract with qualified firms for selected school audit work.

Performance audits are conducted at the direction of the Legislative Post Audit Committee. In this connection, the Kansas governmental operations accountability law (K-GOAL), first enacted in 1992 (as a replacement for the sunset law) and re-enacted in 2000, directs the Legislative Post Audit Committee to conduct performance audits of several specified state agencies essentially on an eight-year cycle. The Division also conducts compliance and control audit work that, together with the annual audit of the state's financial statements, ensures an audit presence in every state agency at least once every three years. As directed

by the Legislative Post Audit Committee, the Division also may audit local governmental units that receive distributions of state funds, persons who receive gifts or grants from the state, persons who contract with the state, and persons who are regulated or licensed by a state agency or who operate for the benefit of a state institution except for public telecommunication utilities.

94. State Library. The State Library provides library services to the Legislature and other state agencies; and works to enhance services in Kansas libraries and to Kansas residents. In coordination with the LCC, the State Librarian acquires materials essential for legislative research and bill drafting. In this regard, the State Library maintains book, state and federal document, magazine, newspaper, and electronic databases. It also provides public access to many information databases on-line computer connections to specialized information databases such as *WESTLAW* and *Lexis Nexis State Capitals* for access to state and federal regulations and legislation. In addition, the Library is providing on-line access to national newspapers and 13 Kansas newspaper via *News Bank*. The Kansas Library Catalog and the Interlibrary Loan Network, both operated by the State Library, provide access to information in university, public school, and special libraries throughout the state. The State Library provides information and reference services to members and employees of the Legislature, including an ongoing subject and author index to Kansas legislative bills and a specialized legislative newspaper clippings file. The State Library also maintains a legislative hotline during the session to advise the public on the status of bills and to provide information on legislative issues.

APPENDIX I



APPENDIX I

KANSAS CONSTITUTION: LEGISLATIVE ARTICLE

Article 2. – LEGISLATIVE

§ 1. **Legislative power.** The legislative power of this state shall be vested in a house of representatives and senate.

§ 2. **Senators and representatives.** The number of representatives and senators shall be regulated by law, but shall not exceed one hundred twenty-five representatives and forty senators. Representatives and senators shall be elected from single-member districts prescribed by law. Representatives shall be elected for two-year terms. Senators shall be elected for four-year terms. The terms of representatives and senators shall commence on the second Monday of January of the year following election.

§ 3. **Compensation of members of legislature.** The members of the legislature shall receive such compensation as may be provided by law or such compensation as is determined according to law.

§ 4. **Qualifications of members.** During the time that any person is a candidate for nomination or election to the legislature and during the term of each legislator, such candidate or legislator shall be and remain a qualified elector who resides in his or her district.

§ 5. **Eligibility and disqualification of members.** No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts

any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature.

§ 6. This section was eliminated by the 1974 revision of this article.

§ 7. This section was eliminated by the 1974 revision of this article.

§ 8. **Organization and sessions.** The legislature shall meet in regular session annually commencing on the second Monday in January, and all sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ninety calendar days. Such sessions may be extended beyond ninety calendar days by an affirmative vote of two-thirds of the members elected to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment. The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sunday excepted. Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases. Each house shall be the judge of elections, returns and qualifications of its own members.

§ 9. **Vacancies in legislature.** All vacancies occurring in either house shall be filled as provided by law.

§ 10. **Journals.** Each house shall publish a journal of its proceedings. The affirmative and negative votes upon the final passage of every bill and every concurrent resolution for amendment of this constitution or ratification of an amendment to the Constitution of the United States shall be entered in the journal. Any member of either house may make written protest against any act or resolution, and the same shall be entered in the journal without delay or alteration.

§ 11. This section was eliminated by the 1974 revision of this article.

§ 12. **Origination by either house.** Bills and concurrent resolutions may originate in either house, but may be amended or rejected by the other.

§ 13. **Majority for passage of bills.** A majority of the members then elected (or appointed) and qualified of each house, voting in the affirmative, shall be necessary to pass any bill. Two-thirds (2/3) of the members then elected (or appointed) and qualified in each house, voting in the affirmative, shall be necessary to ratify any amendment to the Constitution of the United States or to make any application for congress to call a convention for proposing amendments to the Constitution of the United States.

§ 14. **Approval of bills; vetoes.** (a) Within ten days after passage, every bill shall be signed by the presiding officers and presented to the governor. If the governor approves a bill, he shall sign it. If the governor does not approve a bill, the governor shall veto it by returning the bill, with a veto message of the objections, to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and in not more than thirty calendar days (excluding the day received), the house of origin shall reconsider the bill. If two-thirds of the

members then elected (or appointed) and qualified shall vote to pass the bill, it shall be sent, with the veto message to the other house, which shall in not more than thirty calendar days (excluding the day received) also reconsider the bill, and if approved by two-thirds of the members then elected (or appointed) and qualified, it shall become a law, notwithstanding the governor's veto.

If any bill shall not be returned within ten calendar days (excluding the day presented) after it shall have been presented to the governor, it shall become a law in like manner as if it had been signed by the governor.

(b) If any bill presented to the governor contains several items of appropriation of money, one or more of such items may be disapproved by the governor. In case the governor does so disapprove, a veto message of the governor stating the item or items disapproved, and the reasons therefor, shall be appended to the bill at the time it is signed, and the bill shall be returned with the veto message to the house of origin of the bill. Whenever a veto message is so received, the message shall be entered in the journal and, in not more than thirty calendar days, the house of origin shall reconsider the items of the bill which have been disapproved. If two-thirds of the members then elected (or appointed) and qualified shall vote to approve any item disapproved by the governor, the bill, with the veto message, shall be sent to the other house, which shall in not more than thirty calendar days also reconsider each such item so approved by the house of origin, and if approved by two-thirds of all the members then elected (or appointed) and qualified, any such item shall take effect and become a part of the bill.

§ 15. Requirements before bill passed. No bill shall be passed on the day that it is introduced, unless in case of emergency declared by two-thirds of the members present in the house where a bill is pending.

§ 16. Subject and title of bills; amendment or revival of statutes. No bill shall contain more than one subject, except appropriation bills and bills for revision or codification

of statutes. The subject of each bill shall be expressed in its title. No law shall be revived or amended, unless the new act contains the entire act revived or the section or sections amended, and the section or sections so amended shall be repealed. The provisions of this section shall be liberally construed to effectuate the acts of the legislature.

§ 17. Uniform operation of laws of a general nature. All laws of a general nature shall have a uniform operation throughout the state: *Provided*, The legislature may designate areas in counties that have become urban in character as “urban areas” and enact special laws giving to any one or more of such counties or urban areas such powers of local government and consolidation of local government as the legislature may deem proper.

§ 18. Election or appointment of officers; filling vacancies. The legislature may provide for the election or appointment of all officers and the filling of all vacancies not otherwise provided for in this constitution.

§ 19. Publication of acts. No act shall take effect until the enacting bill is published as provided by law.

§ 20. Enacting clause of bills; laws enacted only by bill. The enacting clause of all bills shall be “Be it enacted by the Legislature of the State of Kansas:”. No law shall be enacted except by bill.

§ 21. Delegation of powers of local legislation and administration. The legislature may confer powers of local legislation and administration upon political subdivisions.

§ 22. Legislative immunity. For any speech, written document or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest -- except for treason, felony or breach of the peace -- in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process

during the session, nor for fifteen days previous to its commencement.

§ 23. This section was eliminated by the 1974 revision of this article.

§ 24. **Appropriations.** No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law.

§ 25. This section was eliminated by the 1974 revision of this article.

§ 26. This section was repealed by the adoption of 1972 HCR 1097, on Aug. 1, 1972.

§ 27. **Impeachment.** The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators then elected (or appointed) and qualified.

§ 28. **Officers impeachable; grounds; punishment.** The governor and all other officers under this constitution, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

§ 29. This section was eliminated by the 1974 revision of this article.

§ 30. **Delegations to interstate bodies.** The legislature may confer legislative powers upon interstate bodies, comprised of officers of this state or its political subdivisions acting in conjunction with officers of other jurisdictions, relating to the functions thereof. Any such delegation, and any agreement made thereunder shall be subject to limitation, change or termination by the legislature, unless contained in a compact approved by the congress.

APPENDIX II



APPENDIX II

KANSAS CONSTITUTION: APPORTIONMENT
ARTICLE**Article 10. – APPORTIONMENT OF
THE LEGISLATURE**

§ 1. Reapportionment of senatorial and representative districts. (a) At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992, and at its regular session every tenth year thereafter, the legislature shall by law reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States bureau of the census. Senatorial and representative districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.

(b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine

that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.

(c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.

(d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.

(e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith.

APPENDIX III



APPENDIX III

KANSAS CONSTITUTION: EXECUTIVE ARTICLE

Article 1. – EXECUTIVE

§ 1. **Executive officers; selection; terms.** The constitutional officers of the executive department shall be the governor, lieutenant governor, secretary of state, and attorney general, who shall have such qualifications as are provided by law. Such officers shall be chosen by the electors of this state at the time of voting for members of the legislature in the year 1974 and every four years thereafter, and such officers elected in 1974 and thereafter shall have terms of four years which shall begin on the second Monday of January next after their election, and until their successors are elected and qualified. In the year 1974 and thereafter, at all elections of governor and lieutenant governor the candidates for such offices shall be nominated and elected jointly in such manner as is prescribed by law so that a single vote shall be cast for a candidate for governor and a candidate for lieutenant governor running together, and if such candidates are nominated by petition or convention each petition signature and each convention vote shall be made for a candidate for governor and a candidate for lieutenant governor running together. No person may be elected to more than two successive terms as governor nor to more than two successive terms as lieutenant governor.

§ 2. This section was eliminated by the 1972 revision of this article.

§ 3. **Executive power of governor.** The supreme executive power of this state shall be vested in a governor, who shall be responsible for the enforcement of the laws of this state.

§ 4. **Reports to governor.** The governor may require information in writing from the officers of the executive department, upon any subject relating to their respective duties. The officers of the executive department, and of all

public state institutions, shall, at least ten days preceding each regular session of the legislature, severally report to the governor, who shall transmit such reports to the legislature.

§ 5. Governor's duties for legislature; messages; special sessions; adjournment. The governor may, on extraordinary occasions, call the legislature into special session by proclamation; and shall call the legislature into special session, upon petition signed by at least two-thirds of the members elected to each house. At every session of the legislature, the governor shall communicate in writing information in reference to the condition of the state, and recommend such measures as he deems expedient. In case of disagreement between the two houses in respect of the time of adjournment, the governor may adjourn the legislature to such time as he deems proper, not beyond its next regular session.

§ 6. Reorganization of state agencies of executive branch. (a) For the purpose of transferring, abolishing, consolidating or coordinating the whole or any part of any state agency, or the functions thereof, within the executive branch of state government, when the governor considers the same necessary for efficient administration, he may issue one or more executive reorganization orders, each bearing an identifying number, and transmit the same to the legislature within the first thirty calendar days of any regular session. Agencies and functions of the legislative and judicial branches, and constitutionally delegated functions of state officers and state boards shall be exempt from executive reorganization orders.

(b) The governor shall transmit each executive reorganization order to both houses of the legislature on the same day, and each such order shall be accompanied by a governor's message which shall specify with respect to each abolition of a function included in the order the statutory authority for the exercise of the function. Every executive reorganization order shall provide for the transfer or other disposition of the records, property and personnel affected by the order. Every executive reorganization order shall provide

for all necessary transfers of unexpended balances of appropriations of agencies affected by such order, and such changes in responsibility for and handling of special funds as may be necessary to accomplish the purpose of such order. Transferred balances of appropriations may be used only for the purposes for which the appropriation was originally made.

(c) Each executive reorganization order transmitted to the legislature as provided in this section shall take effect and have the force of general law on the July 1 following its transmittal to the legislature, unless within sixty calendar days and before the adjournment of the legislative session either the senate or the house of representatives adopts by a majority vote of the members elected thereto a resolution disapproving such executive reorganization order. Under the provisions of an executive reorganization order a portion of the order may be effective at a time later than the date on which the order is otherwise effective.

(d) An executive reorganization order which is effective shall be published as and with the acts of the legislature and the statutes of the state. Any executive reorganization order which is or is to become effective may be amended or repealed as statutes of the state are amended or repealed.

§ 7. **Pardons.** The pardoning power shall be vested in the governor, under regulations and restrictions prescribed by law.

§ 8. This section was eliminated by the 1972 revision of this article.

§ 9. **State seal and commissions.** There shall be a seal of the state, which shall be kept by the governor, and used by him officially, and which shall be the great seal of Kansas. All commissions shall be issued in the name of the state of

Kansas; and shall be signed by the governor, countersigned by the secretary of state, and sealed with the great seal.

§ 10. This section was eliminated by the 1972 revision of this article.

§ 11. **Vacancies in executive offices.** When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The legislature shall provide by law for the succession to the office of governor should the offices of governor and lieutenant governor be vacant, and for the assumption of the powers and duties of governor during the disability of the governor, should the office of lieutenant governor be vacant or the lieutenant governor be disabled. When the office of secretary of state or attorney general is vacant, the governor shall fill the vacancy by appointment for the remainder of the term. If the secretary of state or attorney general is disabled, the governor shall name a person to assume the powers and duties of the office until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by law.

§ 12. **Lieutenant governor.** The lieutenant governor shall assist the governor and have such other powers and duties as are prescribed by law.

§ 13. This section was eliminated by the 1972 revision of this article.

§ 14. This section was eliminated by the 1972 revision of this article.

§ 15. **Compensation of officers.** The officers mentioned in this article shall at stated times receive for their services such compensation as is established by law, which shall not be diminished during their terms of office, unless by general law applicable to all salaried officers of the state. Any person exercising the powers and duties of an office mentioned in

this article shall receive the compensation established by law for that office.

§ 16. This section was eliminated by the 1972 revision of this article.

