

Approved W.R. Roy Date 5-6-91

MINUTES OF THE HOUSE COMMITTEE ON RULES AND JOURNAL

The meeting was called to order by Representative William R. Roy, Jr. at  
Chairperson

8:00 a.m./~~p.m.~~ on January 31, 1991 in room 522-S of the Capitol.

All members were present except: Representative Gomez for a.m. only  
(p.m. all members present)

Committee staff present:

Arden Ensley, Revisor  
Sharon Zobel, Committee Secretary

Conferees appearing before the committee:

Meeting was called to order by Chairman, William R. Roy, Jr. The purpose of the meeting is to set a special order of business for report of Select Committee on Election Contest, Wellman vs. Wells, to set date and time.

Under the rules of the House any special order is to be referred to Rules and Journal which in turn sets the date and time of that particular order of business. The special order is the committee report of the Select Committee on the matter of Carlin Wellman Vs. Elaine Wells. Minimally what is needed is to set a date and time.

Representative Snowbarger asked if we could read the report of this committee this morning and vote on it 2/3.

Representative Roy entertained a motion that we set it in the House Calender for Friday, Febraury 1, 1991 at the session to be at 9:00 a.m. Representative Allen so moved. Seconded by Representative Snowbarger. Motion carried. (Attachment #1)

Representative Snowbarger asked how the business will be handled once it reaches the floor. Representative Roy entertained discussion whether there will be debate and rules of conduct.

Mr. Ensley was asked if historically there are any rules for this body to govern conduct on these matters. Mr. Ensley responded that there were two reports previously, one in the Senate in 1973 and in 1957 in the House.

Mr. Ensley said the first thing is to accept the report filed by the committee for consideration and motions. The House could consider either the whole proposition or consider the report section by section, recommendation by recommendation.

Representative Snowbarger recommends to adopt the report up or down. Then a follow up motion going to who is seated or a ruling by the Speaker. He would just as soon not have very many votes on the floor. He recommends there does need to be some discussion outside the members of this committee by leadership as to procedure.

Representative Roy said we have our main order of business of setting the time and date. The committee reserves the right to reconvene at 4:30 this afternoon to adopt or consider any rules governing the conduct of this special order of business. The meeting is in recess until 4:30.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON RULES AND JOURNALS,  
room 522-S, Statehouse, at 4:30 ~~xxx~~ p.m. on January 31, 1991

This morning the time was set for tomorrow's special order of business. In conjunction with that the need to consider some rules of how to proceed tomorrow was proposed. Rules have been drafted with Mr. Ensley's assistance (Attachment 2) and presented as a guide: a Resolution adopting rules of the House of Representatives for the 1991-1992 biennium, relating to contests of elections of members to the House of Representatives.

Motion was made by Representative Snowbarger and seconded by Representative Gomez that the following procedures be followed: (Attachment 3). Vote was unanimous to favor rules to cover procedure of Select Committee on Election Contest. Motion carried.

Meeting was adjourned at 6:30 p.m.



Bill Roy, Jr.

attachment  
#1

CRSELECT

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Rules and Journal

Recommends that in accordance with K.S.A. 25-1451 requiring that reports of select committees on the contest of elections of members of the house of representatives be set for a special order of business within five days from the date the report is made and the provisions of Rule 4302 of the house of representatives requiring that all requests and motions for special orders be referred to the committee on rules and journal, the report of the select committee on election contests on the contest of election for the 59th district seat be set for a special order of business on Friday, February 1, 1991, at 9:00 a.m.

And the committee report be adopted.

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Chairperson

Rules + Journals  
(attachment #1)  
12-31-91

## HOUSE RESOLUTION NO. \_\_\_\_\_

By Committee on Rules and Journal

A RESOLUTION adopting rules of the House of Representatives for the 1991-1992 biennium, relating to contests of elections of members to the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the following rules shall be adopted for the 1991-1992 biennium.

## ARTICLE 50. CONTESTS OF ELECTIONS OF MEMBERS

Rule 5001. Reports of Select Committees on Contests of Elections of members of the House; consideration and action by House. (a) Reports of Select Committees on Contests of Elections of members of the House of Representatives submitted pursuant to K.S.A. 25-1451 shall be set for a special order of business in accordance with Rule 4302.

(b) At the time set by the House, the report of the select committee shall be presented by the Chairperson of the select committee to the full membership of the House for consideration and debate. The Chairperson shall review and present the report in full. At the conclusion of such presentation, the presiding officer shall announce that consideration, debate and action upon the recommendations of the select committee are in order. Each proposition on which the report of the select committee has made independent findings and recommendations shall be considered and an independent determination made by the membership of the House of Representatives. The rules of the House governing procedure in the Committee of the Whole shall govern the consideration and debate of the report of the select committee.

(c) At the conclusion of consideration and debate of reports of select committees on the contest of elections of members of the House of Representatives, the membership of the House shall

*Rules + Journal  
Attachment #2  
1-31-91*

determine and declare the name of the member duly elected to membership in the House of Representatives. A call of the House may be ordered upon the taking of a vote upon the declaration of membership in the House of Representatives.

*attachment 2-2*

HOUSE RESOLUTION NO. \_\_\_\_\_

By Committee on Rules and Journal

A RESOLUTION adopting rules of the House of Representatives for the 1991-1992 biennium, relating to contests of elections of members to the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the following rules shall be adopted for the 1991-1992 biennium.

ARTICLE 50. CONTESTS OF ELECTIONS OF MEMBERS

**Rule 5001. Reports of Select Committees on Contests of Elections of members of the House; consideration and action by House.** (a) Reports of Select Committees on Contests of Elections of members of the House of Representatives submitted pursuant to K.S.A. 25-1451 shall be set for a special order of business in accordance with Rule 4302.

(b) (1) At the time set by the House, the report of the select committee shall be presented and reviewed by the Chairperson of the select committee to the full membership of the House. The rules of the House governing procedure in the Committee of the Whole shall govern the consideration and debate of the report of the select committee.

(2) At the conclusion of the presentation of the report of the select committee, the House shall debate and determine what action should be taken with regard to the two ballots upon which the select committee was unable to reach agreement and make recommendations, but unopened ballots shall remain unopened in accordance with paragraph (5).

(3) After determination of the action to be taken with regard to ballots upon which the select committee made no recommendations, consideration, debate and action shall be taken upon the report and recommendations of the select committee as a

*Rules & Journal  
(Attachment # 3)  
1-31-91*

whole and no action shall be taken upon any individual recommendation of the select committee prior to the taking of action upon the report as a whole.

(4) If the report and recommendations of the select committee fails to receive the approval of, or is rejected by, a majority of the members of the House of Representatives voting thereon, consideration, debate and action may be taken individually upon each issue included in the report and recommendations of the select committee.

(5) Ballots which have remained unopened by the district court shall remain unopened by the House of Representatives unless it is determined that the outcome of the election is dependent thereon.

(c) At the conclusion of consideration and action upon the report of the select committee, the membership of the House shall determine and declare the name of the member duly elected to membership in the House of Representatives. A call of the House may be ordered upon the taking of a vote upon the declaration of membership in the House of Representatives.

(attachment 3)

3-2