

Approved: 3/10/99

MINUTES OF THE HOUSE RULES AND JOURNAL COMMITTEE

Members present: Rep. Carmody, Chairperson
Rep. McKechnie, Vice-chairperson
Rep. Powell
Rep. Loyd
Rep. Klein

Staff present: Norman Furse, Revisor of Statutes
Janet E. Jones, Chief Clerk of the House

The House Committee on Rules and Journal met Tuesday, March 9, 1999, upon adjournment of the House, in the West Lounge of the Statehouse.

Discussion was held on the proposed amendments of Rep. McKechnie to House Rules 2105 and 2309 dealing with dividing amendments and dividing motions.

Rule 2105. Dividing Amendments.

- (a) Amend by adding: The division by the chairperson shall be made in accordance with the following:
- (1) A motion to strike out and insert shall be indivisible; [suggestion is to further define strike out and insert.]
 - (2) the distinct propositions shall only be those actually in the form submitted in the amendment;
 - (3) each proposition must be so distinct that, one being removed, the remainder may stand entirely on their own.
- (b) The chairperson, or any member, may request that the member requesting the division make the request in writing.
- (c) The chairperson may request the member requesting the division and the chairperson or the vice-chairperson of the committee on rules and journal recommend an appropriate division, but the final ruling on how to divide the question shall be that of the chairperson [Janet Jones suggested adding "who shall so inform the clerk." and other members mentioned the entire body should be clearly informed of the division.]

The question of appealing on the effect of the division and appeal on violation of the rules was discussed. The proposed rule reads:

- (d) There is no appeal of the ruling of the chairperson on how a question is divided, except that the division shall be in accordance with the rules of the House and with items (1) to (3), inclusive, of subsection (a). Any member may challenge the ruling of the chairperson on how

the question was divided on the grounds that the division was not in accordance with a rule of the House or is not consistent with the provisions of items (1), (2) or (3) of subsection (a), or any combination thereof.

It was suggested that (e) of the proposed rule change be numbered as 2108 and read as:
The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Proposed rule change:

Rule 2309. Dividing Motion.

If any procedural motion other than a motion under House Rule 2105, contains distinct propositions, it shall be divided by the chairperson at the request of any member.

The question of when a member may request a division was discussed. Consensus was that a request may be made anytime prior to the member making the motion be recognized to close on the motion.

Norm Furse was instructed to redraft the proposed amendments to House Rule 2105 to reflect the committee discussion.

Meeting adjourned until Friday, March 12, 1999 at 8:00 a.m.