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MINUTES OF MEETING - COMMERCE COMMITTEE - 56TH ASSEMBLY SESSION -  
JANUARY 20, 1971

Present: McKissick, Capurro, Lingenfelter, Piggione,  
Frank Young, Branch, Dini, Hilbrecht

Chairman McKissick called the meeting to order at 11:10 a.m. for the purpose of laying ground rules and guidelines for proposed rules and regulations for committee procedures.

A. General Rules

Young read the proposed rules of committee procedure. These general guidelines are attached hereto as exhibits.

B. Special Rules

1. Hilbrecht moved that for a quorum, 5 committee members affirmative votes be required or needed to put a bill out on the floor. After a motion to indefinitely postpone or any other action, the committee must have a 2/3 or 6-man vote to bring a matter back for consideration of the committee or other action. Seconded by Lingenfelter and carried unanimously.

2. Dini moved that a motion to indefinitely postpone or other action needs 5 votes; for the first reconsideration or other action 6 votes; for the second reconsideration or other action will take 7 votes; for the third reconsideration or other action will take 8 votes; and before it can be brought up for any further reconsideration or action will take the unanimous vote of the committee. In other words, after a bill has been brought up for committee action and acted upon three times, it takes a unanimous vote of the committee to act on it again. Seconded by Lingenfelter and carried unanimously.

McKissick said he would hold up naming committee positions until later.

McKissick requested that a gentlemen's agreement be made that committee members notify the chairman if they are going to cast a dissenting vote on the floor. He also said that before any bills can be introduced as committee bill introduction, it should have the majority's approval of the committee.

3. Motion by Lingenfelter that a majority of the committee must give their approval for the introduction of bills under "Commerce Committee". Seconded by Paggione and unanimously passed.

4. Young moved that copies of minutes be provided to the Legislative Commission after they are approved by the committee. Seconded by Lingenfelter and carried unanimously.

McKissick requested that as the bills are introduced, the committee members strive to obtain the content. He said he was going to appoint members on subcommittees to study sections of the various insurance, banking, etc. so they can readily take evidence as to their assigned topic, make recommendations to the committee, and explain them on the floor.

Also, Chairman McKissick announced that he as chairman would not be debating or presenting all of the committee bills on the floor, but various different bills and/or subject matters would be assigned to various committee members to carry as whips for floor management and vote. Also, he said it was imperative that each member be as fully informed as possible on bills before the committee, but in particular if they are assigned as whip on a bill that he gain all the expertise he can in order to insure the faith and confidence of the committee on the floor.

McKissick requested that it be posted that A.B. 18 and A.J.R. 1 will be discussed at the meeting after Monday morning's recess (January 25, 1971).

Meeting adjourned 11:45 a.m.

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RULES OF COMMITTEE PROCEDURE

ORGANIZATION

A quorum of the committee to indefinitely postpone or other action needs 5 votes; for the first reconsideration or other action 6 votes; for the second reconsideration or other action will take 7 votes; for the third reconsideration or other action will take 8 votes; and before it can be brought up for any further reconsideration or action will take the unanimous vote of the committee. In other words, after a bill has been brought up for committee action and acted upon three times, it takes a unanimous vote of the committee to act on it again.

DUTIES OF OFFICERS

Principal duties of the chairman are to

- (1) Call the committee together at the regular appointed or any other appropriate time and place to transact committee business.
- (2) Arrange for appropriate meeting notices
- (3) Preside at committee meetings and put all questions
- (4) Maintain order and decide questions of order
- (5) Require that minutes be kept of all committee proceedings and supervise clerical and legal activities for the committee
- (6) Prepare agenda for committee meetings
- (7) Prepare committee reports and submit them to the Assembly
- (8) Maintain custody and insure the security of bills, resolutions, and other papers and documents referred or submitted to the committee and transmit them to the Chief Clerk of the Assembly within 48 hours of committee action.

In the absence of the chairman, the vice chairman of the committee has and exercises the powers, responsibilities, functions and duties of the chairman.

Under supervision of the committee chairman the secretary is responsible for keeping a complete record of committee proceedings including time and

place of each meeting, attendance and absence of members, names of all persons appearing before the committee and the names of persons, firms, corporations and associations they represent, the subjects or measures considered, actions taken by the committee, a record of individual voting, completed committee reports and for other duties specified by the chairman. Minutes are acted upon at the next regular meeting of the Legislative Session which approval may be by individual contact by the chairman. The secretary takes to each meeting or hearing sufficient copies of bills being considered, if available, for the use of all persons attending. Copies of the minutes are to be provided each member. Copies of the minutes are also to be provided after approval by the committee to the legislative committee.

DUTIES OF MEMBERS

Committee members, including the chairman, may participate freely in committee discussions and debate, make and second motions and assert points of order and privilege, subject to rules of parliamentary procedure set forth in Mason's Manual of Legislative Procedure. In hearings and other formal proceedings, a committee member may question or comment to a witness through the committee chairman.

It is the duty of committee members to attend and participate in all committee meetings. If unable to do so, he should notify the chairman or secretary in advance, indicating where he can be reached if needed. Continued unexcused absences must be reported to Assembly leadership for action.

A member may resign from the committee by submitting his resignation in writing to the committee chairman.

No member of the committee may vote by proxy under any circumstances. No member may vote on a question in committee where his private right or interest, distinct from the public interest, is immediately concerned.

Disciplinary action against a committee member may be taken by the committee chairman in concert with the Speaker of the Assembly and the majority or minority floor leader, as appropriate.

COMMITTEE PROCEDURE

All committee meetings except those designated as "executive session" are open to the public and public hearings may be held on any matter before the committee. The chairman will schedule meetings and hearings each legislative day for at least the eighth day ahead. (For example: On Monday he will give to each committee member, post on a public bulletin board in Assembly Chambers and send by mail to those persons and organizations he believes interested an agenda of all matters to be considered by the committee on the following Monday.) Matters for consideration may be arranged systematically in order of importance, order of reference, order in which testimony is available or by other pre-arrangement. Measures may be considered out of order as the chairman finds necessary.

The chairman notifies in advance the introducers (in either Assembly or Senate) of bills to be considered by the committee of the time and place of consideration of the measure and offers them opportunity to testify. Witnesses with long testimony on matters before the committee may be encouraged to present their information in writing and make oral summary listed to five minutes before the committee.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills. Rules governing the committee govern also its subcommittees.

Decisions of the committee are made after witnesses have spoken, been questioned and are excused. Committee reports are adopted at a committee meeting actually assembled with a quorum present. A Minority report may be filed with the Chief Clerk of the Assembly at the same time the majority report is submitted. A minority report is signed by each dissenting member

present when the vote was taken.

Within 48 hours after committee action on any matter referred to it, the chairman must report this action to the Chief Clerk of the Assembly. At any time prior to reporting of a matter back to the Assembly, the committee may reconsider its previous action. All official bills must be returned to the Chief Clerk of the Assembly at the time the chairman makes his report.

If the chairman fails to call a meeting upon request of a committee member, a majority of the committee may order a special meeting and in the absence of the chairman and vice chairman designate an acting chairman and conduct business, provided a quorum is present.

All minutes, records and documents in the possession of the committee and the chairman are filed with the Legislative Counsel immediately prior to adjournment sine die.

#### PUBLIC HEARINGS

Provision is made for public hearings on important bills and other matters of high public interest in a place with adequate facilities for all who wish to attend. Advance notice states time and place of the hearing and identifies subject matter under consideration. Sufficient copies of the bill and other printed matter to be considered are available for use of committee members and others attending. Presence of a quorum of the committee is desirable but not required.

Public hearings are opened by the chairman who calls to order committee members and others attending promptly at the scheduled hour. He announces the bill number and title or other matters which is the subject of the hearing, and points out that applause is not permitted. If so requested by a committee member, he may read or summarize the bill or other matter under consideration or have it done.

After opening the hearing, the chairman inquires whether anyone present wishes to be heard in favor of the bill or other matter being considered. These persons rise in an order determined by the chairman, address the chair, furnish their names, addresses, firms or other organizations represented and then address the committee on the subject. As each completes his remarks the chairman gives committee members opportunity for questions. If any wish to use this opportunity, they address the chair for permission and then question the witness. The chairman maintains supervision of the questioning to avoid debate or argument between committee members and witnesses. Questions from other than committee members are not in order and are not allowed.

After all persons wishing to be heard in favor of the matter have been heard the chairman inquires whether there are those present wishing to be heard in opposition. Any such are heard in the same manner as the proponents with similar opportunity for questioning by committee members.

The chairman is especially careful throughout the hearings that he is fair and impartial to both sides as the cases are presented. When all have been heard, the chairman declares the public hearings closed on the matter before proceeding to other matters.