

House Concurrent Resolution No. 5002

By Representatives Highberger and Clayton

1-11

1 A CONCURRENT RESOLUTION relating to the Joint rules of the
2 Senate and House of Representatives for 2021-2022; amending Joint
3 rule 3; and revoking Joint rule 6.

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5 *Be it resolved by the House of Representatives of the State of Kansas, the*
6 *Senate concurring therein: That Joint rule 3 shall be amended to read*
7 *as follows:*

8 **Joint rule 3. Conference committee procedure.** *(a) Action by house*
9 *of origin of bill or concurrent resolution amended by other house.* When a
10 bill or concurrent resolution is returned to the house of origin with
11 amendments by the other house, the house of origin may: (1) Concur in
12 such amendments; (2) refuse to concur in such amendments; or (3) refuse
13 to concur in such amendments and request a conference on the bill or
14 concurrent resolution.

15 (b) *Concurrence by house of origin; concurrence prior to taking*
16 *action on conference committee report by other house; final action; effect*
17 *of failure of motion to concur.* The house of origin of any bill or
18 concurrent resolution may concur in any amendments made by the other
19 house, except that if the bill or concurrent resolution has been referred to
20 a conference committee such action may only be taken prior to the taking
21 of final action upon the conference committee report upon such bill or
22 concurrent resolution by the other house. A vote in the house of origin of
23 any bill or concurrent resolution on a motion to concur in amendments to
24 such bill or concurrent resolution by the other house shall be considered
25 action on the final passage of the bill or concurrent resolution and the
26 affirmative and negative votes thereon shall be entered in the journal. If
27 the motion to concur is upon amendments to a bill or concurrent
28 resolution for which a conference committee has been appointed and
29 action has not been taken upon the report of such committee by the other
30 house and such motion fails, the bill or concurrent resolution shall not be
31 deemed to have been killed thereby and the motion to concur may be
32 renewed but not on the same legislative day. If the motion to concur is
33 upon amendments to a bill or concurrent resolution for which a
34 conference committee has not been appointed and such motion fails, the
35 bill or concurrent resolution shall be deemed to be killed.

36 (c) *Motion to nonconcur; when considered final action; effect of*

1 *adoption of motion.* A vote in the house of origin of any bill or concurrent
2 resolution on a motion to nonconcur or to refuse to concur in
3 amendments to such bill or concurrent resolution by the other house
4 which is not coupled with a request for the appointment of a conference
5 committee shall be considered action on final passage of the bill or
6 concurrent resolution and the affirmative and negative votes thereon shall
7 be entered in the journal, and the bill or concurrent resolution shall be
8 deemed killed on the adoption thereof.

9 (d) *House of origin refusal to concur or nonconcur; request for*
10 *conference; procedure.* When a bill or concurrent resolution is returned
11 by either house to the house of origin with amendments, and the house of
12 origin refuses to concur or to nonconcur therein, a conference may be
13 requested by a majority vote of the members present and voting. Such
14 request shall be transmitted to the other house by message which shall
15 include the names of the conferees on the part of the requesting house.
16 Upon receipt of any such message, the receiving house may, in like
17 manner, approve such conference, and shall thereupon notify the
18 requesting house by message stating the names of its conferees.

19 (e) *Membership; appointment; chairperson; house of origin of*
20 *substitute or materially changed bill or concurrent resolution; meetings*
21 *of conference committee.* Each conference committee shall consist of
22 three members of the senate and three members of the house of
23 representatives, unless otherwise fixed by agreement of the president of
24 the senate and speaker of the house. Senate members shall be appointed
25 by the president of the senate and house members shall be appointed by
26 the speaker of the house of representatives. The president or the speaker
27 may replace any conferee previously appointed by such person. Not less
28 than one member appointed from each house shall be a member of the
29 minority political party of such house except when such representation
30 for such house is waived by the minority leader of such house. In all
31 cases, the first-named member of the house of origin of the bill or
32 concurrent resolution assigned to the committee shall be chairperson of
33 the conference committee. The house of origin of a substitute bill or
34 substitute concurrent resolution shall be the house in which the bill or
35 concurrent resolution in its original form was introduced. The chairperson
36 of a conference committee on a bill or concurrent resolution the subject
37 matter of which has been ruled to be materially changed shall be a
38 member of the house which amended the bill or concurrent resolution to
39 materially change the subject matter. Each conference committee shall
40 meet on the call of its chairperson. All meetings of conference
41 committees shall be open to the public and no meeting shall be adjourned
42 to another time or place in order to subvert such policy.

43 (f) *Conference committee reports; matters which may be included;*

1 *report not subject to amendment; house which acts first on report; copies*
2 *of reports; reports considered under any order of business.* Only subject
3 matters which are or have been included in the bill or concurrent
4 resolution in conference or in bills or concurrent resolutions which have
5 been passed or adopted in either one or both houses during the current
6 biennium of the legislature may be included in the report of the
7 conference committee on any bill or concurrent resolution except in any
8 appropriations bill there may be included a proviso relating to any such
9 item of appropriation. Subject to any limitations imposed under the
10 constitution of the state of Kansas, no more than a total of ~~four~~ *two*
11 additional bills or concurrent resolutions or parts of bills or concurrent
12 resolutions in conference or bills or concurrent resolutions or parts of
13 bills or concurrent resolutions which have passed in either one or both
14 houses during the current biennium of the legislature may be included in
15 the report of the conference committee on any bill or concurrent
16 resolution, ~~except that reports of conference committees on any taxation~~
17 ~~bill are not subject to the limitation contained in this provision.~~ A
18 conference committee report shall not be subject to amendment. The
19 original signed conference committee report shall be submitted to and
20 acted upon first by the house other than the house of origin of the bill or
21 concurrent resolution. Except when a conference committee report is an
22 agree to disagree coupled with a request that a new conference committee
23 be appointed or is a recommendation to accede to or recede from all
24 amendments of the second house, electronic and paper copies of the
25 report shall be made available to all members of the house considering
26 the report not later than 30 minutes before the time of its consideration,
27 except that if the report is more than six pages in length no paper copies
28 will be required to be distributed to individual members provided that at
29 least 10 paper copies of the report are made available to members at the
30 clerk's or secretary's desk at the front of the respective house. By written
31 notice, the majority leader may direct the clerk or secretary to increase
32 from six pages to some greater number of pages the size of conference
33 committee reports that need not be distributed by paper copies to
34 individual members pursuant to this rule. The affirmative vote of $\frac{2}{3}$ of the
35 members present in the house at the time of consideration of the report
36 shall be sufficient to dispense with distribution of copies of the
37 conference committee report to all members of that house. Reports of
38 conference committees may be received and considered under any order
39 of business.

40 (g) *Signatures required on conference committee reports.* All initial
41 conference committee reports other than an agreement to disagree
42 coupled with a request that a new conference committee be appointed
43 shall be signed by all of the conferees. *All conference committee reports*

1 *which contain any recommendation to strike all of the material in the bill*
2 *subsequent to the enacting clause and insert new material shall be signed*
3 *by all of the conferees, and a conference committee report which is an*
4 *agreement to disagree shall not be used when the conference committee*
5 *makes any such recommendation. All initial conference committee*
6 *reports which are an agreement to disagree coupled with a request that a*
7 *new conference committee be appointed shall be signed by a majority of*
8 *the conferees appointed in each house. If a conference committee report*
9 *which is an agreement to disagree coupled with a request that a new*
10 *conference committee be appointed is not adopted, a subsequent*
11 *conference committee report shall be signed by all conferees unless a*
12 *subsequent conference committee report which is an agreement to*
13 *disagree coupled with a request that a new conference committee be*
14 *appointed is adopted, in which case a conference committee report*
15 *subsequent to the adoption of such report shall be signed by a majority of*
16 *the conferees appointed in each house. All other conference committee*
17 *reports shall be signed by a majority of the conferees appointed in each*
18 *house.*

19 (h) *Vote to adopt conference committee report final action; effect of*
20 *failure of motion to adopt conference committee report.* The vote to adopt
21 the report of a conference committee, other than a report of failure to
22 agree coupled with a recommendation for appointment of a new
23 conference committee, shall be considered final action on the bill or
24 concurrent resolution and the affirmative and negative votes thereon shall
25 be entered in the journal. If the motion fails, the bill or concurrent
26 resolution shall be deemed to be killed. If the motion on a conference
27 committee report which is an agreement to disagree coupled with a
28 request that a new conference committee be appointed fails, the bill or
29 concurrent resolution shall not be deemed to have been killed thereby and
30 remains in conference.

31 (i) *Report of conference committee unable to agree; effect of failure*
32 *to request new conference committee; effect of failure of motion to adopt*
33 *report requesting new conference committee.* If a conference committee
34 upon any bill or concurrent resolution is unable to agree, it shall report
35 that fact to both houses. Such report may request that a new conference
36 committee be appointed thereon. If the committee so reports but fails to
37 request the appointment of a new conference committee thereon, the bill
38 or concurrent resolution shall be deemed to have been killed upon the
39 adoption by either house of such report. If the motion to adopt a report
40 requesting the appointment of a new conference committee fails, the bill
41 or concurrent resolution shall be deemed to be killed.

42 (j) *Bills or concurrent resolutions under consideration by*
43 *conference committees and reports thereof; carryover from odd-*

1 *numbered to even-numbered year.* Bills or concurrent resolutions under
2 consideration by a conference committee, or a report of which has been
3 filed but no action taken thereon in either house, at the time of
4 adjournment of a regular session of the legislature held in an odd-
5 numbered year shall remain alive during the interim and may be
6 considered by the committee and legislature as the case may be at the
7 regular session held in the following even-numbered year.

8 *Be it further resolved:* That Joint rule 6 be revoked.