

RULE 7 - COMMITTEES

7.12 - 1. FISCAL IMPACT STATEMENTS

House Rule 7.12(a) states in part that “All bills and resolutions whose adoption will have a fiscal impact, including the affecting of revenues, expenditures or fiscal liability shall not be scheduled for floor consideration unless accompanied by a fiscal analysis.”

History - Representative Wright raised a point of order pursuant to House Rule 7.12 that a fiscal impact statement is required for consideration of HB 1230.

The Speaker Pro Tempore Susan Winchester ruled the point well taken and pursuant to House Rule 7.12, HB 1230 would be laid over until a fiscal impact statement was distributed.

H. Jour., 425, 50th Leg., 1st Reg. Sess. (2005).

Ruling - It shall be the decision of the Chair that the phrase “accompanied by a fiscal analysis” contained in House Rule 7.12(a) shall be interpreted to mean that the fiscal analysis prepared for a particular bill or resolution must be distributed on the House floor before that bill or resolution may be heard.

7.16 - 1. LAYOVER REQUIREMENT FOR SENATE CONFERENCE COMMITTEE REPORTS

House Rule 7.16(c) states “Prior to consideration, a conference committee report shall lie over thirty-six (36) hours after it is filed. No conference committee report shall be considered for adoption or rejection if Members of the House have not been provided a printed or electronically transmitted copy of the report twenty-four (24) hours before the consideration of the report. The report must be accompanied by

a separate summary of the changes made to the bill or resolution sent to conference. This subsection shall not apply on the last two (2) days of any legislative session once the date of the sine die adjournment has been set.”

History - Representative Gilbert raised a point of order citing House Rule 7.16(c) that the CCR on SB 556 had not lain over for thirty-six (36) hours prior to consideration.

The Presiding Officer ruled the point not well taken and House Rule 7.16(c) applies to the filing of House Conference Committee Reports.

H. Jour., 1687, 50th Leg., 1st Reg. Sess. (2005).

Ruling - It shall be the decision of the Chair that the timing requirements delineated in Rule 7.16(c) shall be interpreted as to not apply to conference committee reports associated with Senate bills.

Reasoning - When any House rule is considered only in the sterile and isolated context of the House rules themselves, there exists the danger that the rule may be interpreted too narrowly. It is therefore incumbent upon the Speaker when exercising his expansive authority to interpret House rules that he not do so on a whim but employ a broadly encompassing view not only of the letter of the rules, but upon the publicly announced policies of the Speaker, the customs and precedents of the House and parliamentary law.

While House Rule 7.16(c) does not explicitly state that the rule only applies to House conference committee reports, it does strongly imply such a holding. In the first sentence of Rule 7.16(c) it states, “prior to consideration, a conference committee report shall lie over thirty-six (36) hours after it is filed.” The operative term for the question at hand is the word “filed” as it is used in Rule 7.16(c). On the basis of the

broad authority given under Rule 3.1 to the Chief Clerk to oversee the legislative process in the House, along with due consideration of the customs of the House, this means filed in the Chief Clerk's office within the House of Representatives.

The logical progression is as follows: if the generally understood meaning of the term "filed" as expressed in Rule 7.16(c) means filed in the Chief Clerk's office, then it is impossible for Senate conference committee reports to fall under the time requirements of 7.16(c) because they are never "filed" in the Chief Clerk's office. They are only filed in the Senate by whatever method the Senate prescribes.

From a practical perspective, a conference committee report pertaining to a Senate bill may be filed, considered and accepted on the Senate side and not be transmitted to the House for several days. Furthermore, upon arrival in the House, there is no readily ascertainable event on which to base the timing requirements imposed by Rule 7.16(c). At what point would a Senate conference committee report be considered "filed"? Would it be when the message arrives from the Senate notifying the House of the conference committee report's transmission to the House? Might it be when the message of submission is distributed to other House clerks for processing and inclusion in the bill tracking system, or perhaps would it be when the Senate measure was distributed on the House floor? Which event could reasonably be considered "filing" for the purposes of timing under Rule 7.16(c)? Put succinctly, there is no practical method of pinpointing when a Senate conference committee report is "filed" for the purposes of observing and calculating the timing requirements imposed by Rule 7.16(c).

Therefore, on the basis of practical considerations and the custom of the House, the time constraints imposed by House Rule

7.16(c) cannot and do not apply to Senate conference committee reports.