

Legislatures were designed to be the most powerful branch of government and the most responsive to the population from whom their governance power derived. They serve the governed through unbiased debate to find the optimal compromise solution serving the majority position, with that compromise majority position holding them accountable through their voting records. Because of chamber rules, legislatures now have become not only expert at avoiding debates and votes, but at appearing to support one position while serving another. This occurs because the chamber rules allow them to give away their debate power granted by their constituents to the chamber leader, and then to hide behind that leader. This concentration of power then makes the chamber vulnerable to crony capitalist abuse.

There are three major ways chamber rules that accomplish this. The first is by allowing chairmen to kill bills by denying them a hearing. This permits the chairman to prevent both debate the voting that allows the constituency to hold legislators accountable. Legislators covet chairmanships as they allow them to shepherd bills dear to them out of committee and into chamber debate. This concentration of power however makes them targets, both for deceptive legislators who file insincere bills to gain favor with their constituents and the chamber leaders who want bills killed.

The second major way rules interfere with debate is by allowing the chamber leader to choose committee chairmen who serve at their pleasure, and therefor are coerced to do the bidding of the chamber leader.

The third debate interference comes from procedural objections to debate. Now these are decided by committee chairmen at the committee level and the chamber leader on second reading. This places in the hands of single individuals the ability to stop a debate without a vote and the accountability that comes with it. While chamber members can object to the ruling of the chair/chamber leader, they do so at the risk he will throw them out of the back-room caucus bargaining, remove their committee chairmanships and committee assignments, and order committee chairmen to kill their bills.

To solve these issues, we propose three rule changes:

- 1) All chairmen be chosen by their committees and serve at their committee's pleasure only. This makes the chairman responsive to his committee freeing him from the chamber leader's will.
- 2) Creating discharge petitions whereby a strong majority of a committee or a chamber can force a hearing on a bill. This not only overcomes the power of the committee chairman but allows individual legislators to be held accountable to their constituents for not starting or signing discharge petitions.
- 3) All procedural objections are immediately subject to recorded vote of the entire committee or chamber. This makes it impossible for one man to kill debate on an issue and simultaneously allows all legislators to be held accountable for the issues they avoid debate on.
- 4) All votes be recorded and available for public review

The specific wording changes we propose to accomplish these goals for the House are:

- 1) Change rule 24.1 to read: "Questions of order shall be decided by constitutional majority roll-call vote of the House without debate, with such decisions inserted in the Journal."
- 2) Changing rule 56.2 to read: "Each committee shall have a chair and vice chair selected by majority vote of the committee, who shall serve at the pleasure of the majority of that committee."
- 3) Adding to rule 56.3 the wording: "Any bill may have a petition filed by its author with the Principal Clerk, which when signed by 40% of committee members or 40% of all House members, shall have a hearing scheduled by the chair or vice-chair, in time to meet all requirements for second reading."
- 4) Change rule 44.2 to read: "Notwithstanding any rule or prior interpretation of these rules to the contrary, the Speaker shall, regardless of the question under consideration, cause a permanent public written record of any vote to be made. This record shall include the date, subject matter under consideration, total number of members voting, the identity by name of members and whether they voted in favor, against or were excused from voting. This record shall be recorded in the House Journal and shall be made available to the public and news media. Violations of this rule shall be considered a violation of the public trust."

The specific wording changes we propose to accomplish these goals for the Senate are:

- 1) Delete from rule 10 the phrase "and shall decide questions of order."
- 2) Strike the entire wording of rule 11 and replace with "Questions of order shall be decided by majority on a record vote without debate."
- 3) Change rule 32(a) to read: "The president Pro Tempore, President Pro Tempore-elect, or a member designated by the President Pro Tempore or President Pro Tempore-elect, shall appoint the members of each of the standing committees and subcommittees thereto. The committees and subcommittees thereto shall select their chairpersons by majority vote and said chairpersons shall serve at their committee's pleasure. The appointments to standing committees and subcommittees shall be reported to the Senate by the President Pro Tempore and recorded in the Journal."
- 4) Change rule 56 (b) to read: The Chairperson or another committee member designated by the Chairperson, or the Subcommittee Chairperson with the approval if the Committee Chairperson, is responsible for informing the Principal Secretary, in writing, of the intent to hold a hearing including all information required in the notice by Rule 56(a). The author of any bill may file a petition to have a hearing scheduled for the bill with the Principal Secretary, which when signed by 40% of members of the assigned committee or subcommittee, or 40% of all Senators, shall be delivered by the Principal Secretary to the Chairperson or other committee member designated by the Committee Chairperson, who shall schedule a hearing on the petitioned bill including all information required in the notice by Rule 56(a). The notice of the intent to hold a hearing, containing the signature of the Chairperson or the petition of the Committee, Subcommittee or all Senators, may be submitted to the Principal Secretary electronically."