

084720201

SENATE JOINT RESOLUTION NO. 62

Offered January 9, 2008

Prefiled January 8, 2008

Establishing a joint subcommittee to study methods to alleviate the instances when unforeseen circumstances prevent a local governing body from convening a quorum for conducting business. Report.

 Patron—Barker

Referred to Committee on Rules

WHEREAS, a quorum is the minimum number of members of a deliberative body necessary to conduct the business of that group; and

WHEREAS, in most instances, a quorum is a simple majority of the membership of the deliberative body; and

WHEREAS, the purpose of the quorum is to ensure that a sufficient portion of the membership is present to provide adequate representation of the citizens; and

WHEREAS, unforeseen circumstances can cause a deliberative body to fail to have its statutorily required quorum satisfied; and

WHEREAS, these circumstances include the death or incapacity of multiple members of the deliberative body due to either a single event or a culmination of unrelated events; and

WHEREAS, the lack of a quorum at the local level can have more acute results and may adversely affect the ability of the local governing bodies to provided critical services or to maintain continuity of operations; and

WHEREAS, there is a need to determine whether statutory changes can alleviate the instances when unforeseen circumstances prevent a local governing body from convening a quorum for conducting business; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study methods to conduct business when unforeseen events prevent a quorum of the membership from being able to meet. The joint subcommittee shall have a total membership of 10 legislative members to be appointed as follows: six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and four members of the Senate to be appointed by the Senate Committee on Rules. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall review (i) current laws that address quorums for local governing bodies, (ii) the existence of any statutory exceptions or exemptions from the quorum requirement, and (iii) methods for alleviating the instances where unforeseen circumstances prevent a local governing body from convening a quorum for conducting business.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2008 interim, and the direct costs of this study shall not exceed \$ 10,000 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2008, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents

INTRODUCED

S162

59 and reports and shall be posted on the General Assembly's website.

60 Implementation of this resolution is subject to subsequent approval and certification by the Joint
61 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
62 delay the period for the conduct of the study, or authorize additional meetings during the 2008 interim.