PART IV

RULES GOVERNING PARTICULAR MOTIONS

DIVISION 1

PRIVILEGED MOTIONS

CHAPTER 19

CALL OF THE HOUSE

See also Sec. 187, List of Motions, particularly Par. 1; and Sec. 505, Procedure on Absence of a Quorum.

Sec. 190. Right to Compel Attendance of Members

See also Sec. 193, Who May Order a Call of the House, particularly Par. 2; Ch. 44, Secs. 500-506, Quorum; and Sec. 561, Power of Legislatures to Discipline Members, particularly Pars. 5 and 6.

1. The purpose of a call of the house is to compel the attendance of absent members.

2. The right of a house of a state legislature to compel the presence of absent members is usually guaranteed by a constitutional provision, even to ordering the arrest of members.

Sec. 190, Par. 1: Cushing's Legislative Assemblies, Sec. 264.

Sec. 190, Par. 2: Hughes, Sec. 666; Cushing's Legislative Assemblies, Secs. 256-259; State Constitutions: Ala. IV, 52; Alaska II, 12; Ariz. IV, Part II, 9; Ark. V, 11; Calif. IV, 7(a); Colo. V, 11; Conn. III, 12; Del. II, 8; Fla. III, 4; Ga. III, Sec. IV, 3; Hawaii III, 13; Idaho III, 10; Ind. IV, 11; Iowa III, 8; Kan. II, 8; Ky. 37; La. III, 10(A); Maine IV, Part III, 3; Md. III, 20; Mass. Amend. XXXIII; Mich. IV, 14; Minn. IV, 13; Miss. IV, 54; Mo. III, 20; Mont. V, 10; Nev. IV, 13; N.J. IV, Sec. IV, 2; N.M. IV, 7; N.D. IV, 12; Ohio II, 6; Okla. V, 30; Ore. IV, 12; Pa. II, 10; R.I. VI, 6; S.C. III, 11; S.D. III, 9; Tenn. II, 11; Texas III, 10; Utah VI, 11; Vt. II, 14, 19; Va. IV, 8; Wash. II, 8; W.Va. VI, 24; Wis. IV, 7; Wyo. III, 11.

3. A legislature has power to punish, or even expel, members who fail, without sufficient cause, to attend when ordered by the house.

4. The absence of the power of a legislative body to compel the attendance of all members at all times would destroy its ability to function as a legislative body.

5. In Congress it has been held that a call is in order under the Constitution in the absence of any rule providing for a call of the house.

Sec. 191. Right of Less Than a Quorum to Compel Attendance

See also Sec. 208, Adjournment by Less Than a Quorum; Sec. 506, Less Than Quorum Can Adjourn; and Sec. 561, Power of Legislatures to Discipline Members, particularly Pars. 5 and 6.

Until a legislature is organized it has no authority, unless granted by the constitution, to compel the attendance of absent members; but it can adjourn from day to day until a quorum can be secured and the body is organized. After organization, a quorum has the unquestionable right to compel the attendance of other members, and less than a quorum is usually given that right by constitutional provision, the constitution or rules usually stating the minimum number who can exercise the right.

Sec. 190, Par. 3: Cushing's Legislative Assemblies, Secs. 264, 434; U.S. Constitution, Art. I, Sec. 5, Par. 1, Note 55 in House Manual.

Sec. 190, Par. 4: U.S. Constitution, Art. I, Sec. 5, Par. 1, Note 55 in House Manual.

Sec. 190, Par. 5: Hughes, Sec. 655.

Sec. 191: Cushing's Legislative Assemblies, Secs. 255-259, 264, 268.

SENATE Rules
Exhibit No. 3
Date 4/22/2013
Bill No. Senate Rule 50-220