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EXPEDITING CONSIDERATION OF THE
GENERAL APPROPRIATION BILL IN THE LEGISLATURE

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THE LEGISLATURE.

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Practically every legislative body, state and local, is conscious of the pressure of time for adequate consideration of major bills in the legislature. This is especially true where there is a definite time limitation upon the length of the session, and where budget laws or practice require the introduction of a "General Appropriation Bill," making it, ordinarily, the most important bill of the session. The statements which follow are a discussion of various types of procedures designed to expedite consideration of the general appropriation act in the legislature.

GENERAL APPROPRIATION BILL IN THE 1945 SESSION:

Delay in final action upon the general appropriation bill until the final day or days of the session is not an uncommon thing in Hawaii, or elsewhere, unless constitutional or legislative provisions are in effect which require earlier action. During each of the past seven regular sessions, final reading was given the general appropriation bill only on the last day of the session, with the exception of one session extended for thirty days. These seven sessions, with the number of session days during which the general appropriation bill was in each of the major committees, are shown in the following table:

TERRITORY OF HAWAII

NUMBER OF SESSION DAYS OF COMMITTEE
CONSIDERATION AND DAY OF FINAL ACTION
UPON GENERAL APPROPRIATION BILL,
SEVEN SESSIONS

Session Year	Number of Session Days in Committees:			Session Day of Final Action
	House Finance	Senate Ways and Means	Conference	
1933	50	32	0	88th
1935	26	31	1	60th
1937	21	8	2	60th
1939	22	24	10	60th
1941	18	35	2	60th
1943	21	28	7	60th
1945	31	19	8	63rd

The Legislative history of the general appropriation bill (H.B.32) in the 1945 session of the legislature is shown in the following chronology from the Journal of the House of Representatives:

LEGISLATIVE ACTION ON GENERAL APPROPRIATION BILL
REGULAR SESSION, 1945

(HB 32)

<u>Date</u>	<u>Legislative Day</u>	<u>Action</u>
Feb. 23		AN ACT MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1947.
Feb. 23	3rd	Introduced by: A. Q. Marcallino
Feb. 23		FIRST READING. Passed.
Feb. 23	3rd	REFERRED TO COMMITTEE ON REVISION AND PRINTING.
Feb. 24		REPORTED.
Feb. 24	4th	SECOND READING. REFERRED TO COMMITTEE ON FINANCE.
Apr. 2		REPORTED. Recommending passage, in an amended form.
Apr. 2	35th	SECOND READING. Passed as amended.
Apr. 2	35th	Placed on Order of the Day for Third Reading at next day's session.
Apr. 3		THIRD READING. Passed.
Apr. 3	36th	TRANSMITTED TO SENATE.
Apr. 25		RETURNED FROM SENATE, amended form.
Apr. 25	56th	Amendments proposed by Senate disagreed to.
Apr. 25	56th	REFERRED TO HOUSE COMMITTEE ON CONFERENCE.
Apr. 26		REFERRED TO SENATE COMMITTEE ON CONFERENCE.
May 4		REPORTED. Recommending final passage in an amended form.
May 4	63rd	FINAL READING. Passed as amended.
May 4	63rd	REPORT OF COMMITTEE ON CONFERENCE ADOPTED.
May 10		TRANSMITTED TO GOVERNOR.
May 22		SIGNED as Act 272.

EFFECTS OF LATE ACTION UPON THE GENERAL APPROPRIATION BILL:

Considered in the abstract, it makes little difference whether the general appropriation bill receives its final reading on the 30th or on the 60th day of the session, inasmuch as the bill contains authorization for expenditures for a fiscal period beginning on July 1st following the

close of the session. Actually, however, the progress of the general appropriation bill, the length of time and the manner of consideration of it, may have considerable bearing upon the progress of other legislation and upon the general fiscal policies of the Territory. During the 1945 session, for instance, a total of approximately \$36,000,000 was appropriated by special, supplementary and other appropriation bills sent to the governor for his approval before he had received the general appropriation bill. This compares with \$46,600,000 appropriated by the general appropriation bill. The effects of delayed action in the legislature upon the general appropriation bill may be enumerated as follows:

1. It makes difficult a complete and satisfactory analysis of the net effect of all appropriation bills and the relative weight to be given to "regular" as against "special" appropriations, if a substantial number of special or supplementary bills are enacted first.
2. It places the governor in a difficult position, in the exercise of his veto power, if the general appropriation bill (which is, at least at the time of introduction, the executive recommendation as to fiscal policies for the coming biennium), is sent to the governor only after he has been compelled to take action on millions of dollars of other appropriations before the general appropriation bill.
3. It tends to add to the legislative log-jam in the last days of the session, and parliamentary maneuvering involving other measures unrelated to the budget.

POSSIBLE DEVICES FOR EXPEDITING ACTION ON THE GENERAL APPROPRIATION BILL

A number of devices and procedures have been tried, or are now in effect in the states, which are designed to meet some of the problems in connection with the general appropriation bill. Some of these devices are based upon constitutional provision, some upon statute within the present constitutional framework, some simply upon rules of the Senate and House, while others are put into effect by agreement or by practice. These devices may be illustrated by the following summary:

1. Constitutional provision requiring action on the general appropriation bill before any other appropriation bill may be passed.

At least four of the states have specific constitutional provisions which require legislative action on the general appropriation bill before other appropriation bills may be enacted. These provisions may be illustrated by the constitutional provision in California, which is as follows:

Executive Budget.

".... Until the budget bill has been finally enacted, neither House shall place upon final passage any other appropriation bill except emergency bills recommended by the Governor or appropriations for the salaries, mileage and expenses of the Senate and Assembly...."
(California Constitution. Art. IV, sec. 34.)

The states of Massachusetts, New York, and West Virginia have somewhat similar constitutional provisions.^{1/} It is of

^{1/} Constitution of Massachusetts, Art. XLVIII, par. LXII, sec. 3; Constitution of New York, Art. VII, sec. 5; Constitution of West Virginia, Art VI, sec. 51-C. The text of these provisions is given in Appendix A, page 16.

interest to note also that the "Model State Constitution" prepared by the National Municipal League contains such a provision in its Legislative article. This provision of the Model State Constitution is as follows:

"LEGISLATIVE CONSIDERATION OF BUDGET. No appropriation shall be passed until the general appropriation bill, as introduced by the Governor and amended by the Legislature, shall have been enacted, unless the Governor shall recommend the passage of an emergency appropriation or appropriations, which shall continue in force only until the general appropriation bill shall become effective. The Legislature shall provide for one or more public hearings on the budget, either before a committee or before the entire Assembly in committee of the whole. When requested by not less than one-fifth of the members of the Legislature, it shall be the duty of the Governor to appear before the Legislature or to appear in person or by a designated representative before a committee thereof, to answer any inquiries with respect to the budget.

"The Legislature, by appropriate legislation, shall make this section effective.

"The Legislature is required to pass upon the general appropriation bill and any emergency appropriations recommended by the Governor before taking up any appropriation bills introduced by members of the legislature. This provision gives precedence to the budget program. It aims at bringing about early consideration of the budget plan by the Legislature and at keeping the attention of the members of that body concentrated on the plan until it is finally acted upon. Emergency appropriations cannot be made for a longer period than the date when the general appropriation bill becomes effective."^{2/}

The constitution of Missouri specifies that all appropriations of money by the general assembly shall be made in the following order:

^{2/} Model State Constitution, 1941, 4th Revision, Art. VII, sec. 704.

"APPROPRIATION. All revenue collected and moneys received by the State from any source whatsoever shall go into the treasury, and the General Assembly shall have no power to divert the same, or to permit money to be drawn from the treasury, except in pursuance of regular appropriations made by law. All appropriations of money by the successive General Assemblies shall be made in the following order:

"First. For the payment of all interest upon the bonded debt of the State that may become due during the term for which each General Assembly is elected.

"Second. For the benefit of the sinking fund, which shall not be less annually than two hundred and fifty thousand dollars.

"Third. For free public school purposes.

"Fourth. For the payment of the cost of assessing and collecting the revenue.

"Fifth. For the payment of the civil list.

"Sixth. For the support of the eleemosynary institutions of the State.

"Seventh. For the pay of the General Assembly, and such other purposes not herein prohibited as it may deem necessary; but no General Assembly shall have power to make any appropriation of money for any purpose whatsoever, until the respective sums necessary for the purposes in this section specified have been set apart and appropriated, or to give priority in its action to a succeeding over a preceding item as above enumerated." ^{3/}

2. Statutory time limit upon committee consideration of appropriation bills.

The state of Connecticut has enacted statutes which require that the "appropriations committee shall, within two weeks after the conclusion of any hearing upon any bill referred to said committee, act upon the same, and, if said action be favorable, shall report such bill to the house in which it originated." ^{4/}

^{3/} Constitution of Missouri. Art. IV, sec. 43. Missouri adopted a new state constitution on February 27, 1945, the citation for which is not yet available. It is known, however, to have the same basic system of finance.

^{4/} Connecticut General Statutes, 1939 Supp., ch. 1, sec. 1e.

This requirement pertains, of course, to all appropriation bills as well as to the general appropriation bill.

3. Use of joint interim committees.

Probably one of the most prominent devices in state legislatures to expedite consideration of the general appropriation bill, as well as the fiscal policies of the state, insofar as the legislature is concerned, is through the use of interim committees. These are similar in many respects to the Joint Hold-over Committees as they have been used heretofore in Hawaii,^{5/} except that where the most recent Holdover Committees were commissioned to study and make recommendations concerning a large number of legislative subjects or any subject which the committee deemed advisable, the state joint interim committees have, for the most part, been created for the study of particular legislative subjects, such as budget matters. The states of California and Utah, as illustrations of this, make use of joint legislative budget committees. California, in 1941, created such a committee composed of members of the legislature and authorized an appropriation of \$40,000 for continuing study of the budget. This joint committee makes use of a "Legislative Auditor" as its chief executive officer and appropriations analyst.

A similar joint legislative budget committee was created by the state of Utah in 1943, with a \$25,000 appropriation for

^{5/} Session Laws of Hawaii, 1943, sec. 2, Act 179. Senate Bill 213 of the 1945 session, pocket vetoed by the Governor, was similar in this respect.

the use of the committee for a continuing study of funds required.^{6/} Likewise, in Minnesota a legislative advisory committee was created,^{7/} and a joint legislative and executive finance advisory committee in Connecticut.^{8/} California voters in 1940 approved a constitutional amendment authorizing either house, or both, to establish interim committees with full powers to act, within limits of the resolution creating them, either during sessions or after final adjournment.^{9/}

4. Simultaneous introduction of the appropriation bill in both houses.

By practice, the general appropriation bill is ordinarily introduced, as it was in the last regular session, in the House of Representatives, where it goes first to the finance committee of the House. Although constitutional provisions for some of the states require that all appropriation bills originate in the House, there is no such provision in the Organic Act for Hawaii and, therefore, the general appropriation bill may be introduced simultaneously, in identical form, in both houses, and assigned simultaneously to their respective finance committees.

5. Joint hearings on the general appropriation bill.

Closely related to the suggestion of simultaneous introduction of the general appropriation bill in the two houses is the device of joint hearings on the part of the respective finance

6/ Laws of Utah, 1943, SJR No. 4.

7/ Session Laws of Minnesota, 1943, ch. 594, subdivision 2.

8/ Connecticut General Statutes, 1943 Supplement, ch. 1, sec. 59.

9/ Constitution of California, Art. IV, sec. 37.

committees in considering the appropriation bill. Joint committees to secure at least a unified approach to appropriations, are used in approximately twenty states, although their action is largely confined to hearings. The states of Massachusetts and Maine have made extensive use of joint hearings, and a joint committee system. This device is designed to save many legislative days as duplicate effort on the part of the respective Senate and House committees, and at the same time protect the prerogatives of either house.^{10/}

6. Relief for Finance and Ways and Means Committees.

The standing committee system, as it operates in Hawaii, places very great emphasis upon the Finance and the Ways and Means Committees in the two houses. In practically all legislative bodies these two standing committees are the important committee assignments, because of the nature of the subjects with which they deal. To these committees in the Hawaii legislature are assigned not only the important bills, but by far the largest number of all bills introduced in the legislature. In the House of Representatives during the 1945 session, for instance, 354 bills were referred to the Finance Committee. This is approximately 50% of all bills introduced. The next largest number of bills referred was 164 assigned to the Judiciary Committee, or 22% of all bills. Five committees had fewer than 10 bills assigned during the session, or none at all. This places

^{10/} Margaret S. Culver, "Proposals for Legislative Reorganization," The Council of State Governments, September, 1939, p. 17.

a very great burden upon the Finance Committee if it is to consider 354 bills, including the general appropriation bill, during a 60-day session and report it out in time for a like consideration on the part of the Senate.

In the Senate a somewhat similar situation prevailed as to the Ways and Means Committee's assignments. To the Ways and Means Committee there were assigned 138 bills, or 42% of all bills introduced in the Senate, while less than 10 bills each were assigned to seven of the standing or select committees. These committees, with the number and percentage of bills assigned to each for the 1945 session, are shown in the table which follows.

7. Use of the budgetary commission.

Several of the states have created budgetary commissions for consideration of the appropriation bill and general fiscal policies in advance of the legislative session. These commissions are similar to the joint or interim committees referred to in Number 3, except that they are not confined to legislative members. In North Carolina such a system, adopted twenty years ago, has proved successful.^{11/} Another illustration of this type of agency is the budgetary commission established by statute in the state of Illinois.^{12/} This commission in Illinois consists of the governor, as ex-officio member, the chairmen of the committees on appropriations of the House and Senate, and

^{11/} F. Melville Broughton, "Organizing the States for the Future," State Government, January 1945, p. 3.

^{12/} See Appendix B, page 17.

THE NUMBER OF BILLS ASSIGNED TO EACH COMMITTEE
REGULAR SESSION 1945

<u>House Committees</u>	<u>Number of Bills Assigned</u>	<u>Percent of Total</u>
FINANCE	354	48.1
Judiciary	164	22.3
Municipal, etc.	153	20.8
Health	20	2.7
Education	19	2.6
Agriculture, etc.	16	2.2
Lands	6	.8
Public Improvements	2	.3
Accounts	1	.1
Social Service, etc.	1	.1
Public Institutions	0	.0
 TOTAL ^{13/}	 736	 100.0%

Senate Committees

Standing:		
Ways and Means	138	42.7
Judiciary	115	35.6
Public Health, etc.	16	4.9
Agriculture, etc.	12	3.7
Education	5	1.6
Public Lands	5	1.6
Military	0	.0
Select:		
Oahu Select	22	6.8
Hawaii Select	5	1.6
Maui Select	4	1.2
Kauai Select	1	.3
 TOTAL ^{14/}	 323	 100.0%

^{13/} One bill not assigned to standing committee.

^{14/} Four bills not assigned to a standing committee, and fifty-seven bills referred to the Committee of the Whole account for the total of 384 Senate bills.

two members from the Senate and from the House appointed by the respective presiding officers. The chief function of the commission is to analyse the budget and general appropriation matters for specific recommendation in advance of the legislative session. This type of agency is in more or less continuing existence, and overcomes some of the objections raised to purely legislative joint committees in that the governor is made a member of such a commission and the commission's functions are limited to budget and appropriation matters rather than general legislative subjects.

8. Changes in structure and organization.

Some other devices, although not designed specifically to expedite consideration of appropriation bills, do have some effect upon legislative consideration of such bills as the general appropriation bill. These devices include such procedures as annual sessions of the legislature, bifurcated or split sessions, and unicameral legislatures, and are mentioned here only as related to the subject of general appropriation bills.

Annual sessions: New York, New Jersey, Rhode Island and South Carolina legislatures meet in annual sessions. The chairman of the New York Ways and Means Committee endorsed annual sessions when he pointed to the saving of \$40 million effected by the legislature between 1939 and 1943. Proponents of the annual session are high in their praise of the superiority of one-year budgeting. They indicate that there is increasing recognition of the trend toward annual sessions since

thirty-six legislatures have met in regular and special session in each of the last two years.^{15/} The crest with respect to special sessions was in 1936 when 46 special sessions were held. the governors in all states have power to call special sessions, and some have done so especially to make annual appropriations.

Split sessions: The bifurcated or split session of the legislature has been provided for by constitutional amendment in New Mexico and California.^{16/} Under this plan, bills may be introduced only in the first part of the session, with certain exceptions. Following the recess period, during which legislators may return to their homes, the second portion of the session meets to act upon the bills presented. Georgia provides for a recess during sessions, and the New Jersey legislature recesses by custom after the session is organized. The fact that some committees meet during the recess period seems to indicate that California is turning to the "trifurcated" session system, wherein the first period is reserved for the introduction of bills, the second for committee meetings and hearings, and the final period is devoted to final consideration and action upon the bills introduced. Alabama developed a system of quadrennial sessions so as to reduce the amount of legislation that would be adopted and to center attention on important legislative measures. However, special sessions are held frequently in Alabama, notwithstanding.^{17/} The operation of the split

^{15/} Perkins, op. cit., p. 448.

^{16/} See Appendix C, page 19.

^{17/} Margaret S. Culver, "Nebraska's Unicameral Adjourns," Proposals for Legislative Reorganization, The Council of State Governments, September 1939, pp 13-14.

session has resulted in the introduction of skeleton bills in great quantity in the first part of the split session, and has created a pre-recess rush similar to the familiar closing rush of regular sessions.

Unicameral legislature: Of the several types of session arrangement, Nebraska is alone in the utilization of the unicameral legislature which was begun in 1937. Some of the more salient characteristics established were the reduction in expense, the definite fixing of responsibility, and the forcing of lobbying into the open more than it had been under the bicameral system. Some dissatisfaction with the length of the session--98 days, and the large number of vetoes, was apparent.^{18/}

Unicameralism as a measure of legislative reform has been a popular suggestion in California where 21 bills, since 1913, proposed to set up such a legislative body. In 26 other states a proposal for a unicameral legislature has at one time or another been introduced. In the 1937 sessions, 22 states had at least one bill introduced which would substitute the single for the two chamber legislature.

The passage of the general appropriation bill has been expedited in various state legislatures through the application in part of the above indicated devices to augment legislative procedure.

^{18/} Culver, op. cit., pp 9-12.

APPENDIX A

CONSTITUTION OF MASSACHUSETTS

"The General Appropriation Bill. All appropriations based upon the budget to be paid from taxes or revenues shall be called the general appropriation bill. The General Court may increase, decrease, add or omit items in the budget. The General Court may provide for its salaries, mileage, and expenses and for necessary expenditures in anticipation of appropriations, but before final action on the general appropriation bill it shall not enact any other appropriation bill except on recommendation of the Governor. The Governor may at any time recommend to the General Court supplementary budgets which shall be subject to the same procedure as the original budget." (Art. XLVIII, par. LXII, sec. 3, p. 798)

CONSTITUTION OF NEW YORK

"Other Appropriations. Neither house shall consider further appropriations until the appropriation bills proposed by the governor shall have been finally acted on by both houses; nor shall such further appropriations be then made except by separate bills each for a single work or object, which bills shall be subject to the Governor's approval as provided in section nine of article four. Nothing herein contained shall be construed to prevent the Governor from recommending that one or more of his proposed bills be passed in advance of the others to supply the immediate needs of government or to meet an emergency." (Art. VII, sec. 5)

CONSTITUTION OF WEST VIRGINIA

"Supplementary Appropriation Bills. Neither house shall consider other appropriations until the budget bill has been finally acted upon by both houses, and no such other appropriations shall be valid" (Art. VI, sec. 51-C, p. 1669)

APPENDIX B

ILLINOIS BUDGETARY COMMISSION^{19/}

AN ACT

To establish the Illinois Budgetary Commission, to define its powers and duties, and to make an appropriation therefor. (Approved July 9, 1937. L. 1937, p. 194.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Par. 193. Illinois Budgetary Commission. Section 1. There is created the Illinois Budgetary Commission to consist of the Governor as ex-officio member thereof, the chairmen of the Committees on appropriations of the House of Representatives and the Senate, two members of the Senate, appointed by the President thereof, upon the advice and consent of the Executive Committees, and two members of the House of Representatives, appointed by the Speaker thereof. Any vacancy in the Commission shall be filled by appointment in the same manner. S.H.A. 127 sec. 193; J.A. 126.426.

Par. 194. Appointment of members. Section 2. The Governor shall serve as a member of said Commission during his term of office and until his successor is elected and qualified, as provided by law. The chairmen of the Committees on appropriations shall serve as members of said Commission until their respective successors are appointed chairmen of their respective committees. Those members of the Commission designated by the Speaker, and by the President, upon the advice and consent of the Executive Committee, shall serve until their successors are appointed in the manner hereinabove provided for their original appointment. S.H.A. 127 sec. 194; J.A. 126.427.

Par. 195. Officers--Compensation. Section 3. The Commission shall organize during each regular session by selecting from its membership a chairman and shall provide rules for transacting its business and keeping records thereof. Four members shall constitute

^{19/} Illinois Revised Statutes, 1943, State Bar Association Edition, ch. 127, par. 193-200.

a quorum for the transaction of business. The members of the Commission shall receive no compensation for duties performed pursuant to this Act, but shall be reimbursed for necessary expenses incurred in connection with the performance of such duties. S.H.A. 127 sec. 195; J.A. 126.428.

Par. 196. Employees. Section 4. The Commission may employ a secretary and such clerical and other employees and assistants as it may deem necessary for the proper transaction of its business, and shall fix their salaries. S.H.A. 127 sec. 196; J.A. 126.429.

Par. 197. Meetings. Section 5. The Commission shall meet during intervals between the regular sessions, and at such other times and places as the chairman of the Commission may determine. S.H.A. 127 sec. 197; J.A. 126.430.

Par. 198. Duties. Section 6. It shall be the duty of the Commission to make a thorough study and investigation of all state expenditures and income from any source. The Commission shall formulate and recommend a plan for the standardization and classification of all salaries, wages, fees and other compensation for services rendered to the State.

The Commission shall make a study of all license tax fees, and where such fees are for services rendered by the State, shall determine if said fees are inadequate for the services so rendered. S.H.A. 127 sec. 198; J.A. 126.431.

Par. 199. Reports. Section 7. The Commission shall present a report including its recommendations, to the Governor not later than the first day of September prior to the convening of the next regular session of the General Assembly, and shall present a duplicate report thereof to the next General Assembly. S.H.A. 127 sec. 199; J.A. 126.432.

Par. 200. State agencies to assist. Section 8. It shall be the duty of all departments, officers, institutions, boards commissions and other State agencies to render to the Commission any assistance that may be required by the Commission for the purpose of preparing their report and recommendation pursuant to this Act. S.H.A. 127 sec. 200; J.A. 126.433.

(Section 9. Appropriation.)

APPENDIX C

CONSTITUTION OF NEW MEXICO

Session, Division and Duration. -- Each regular session of the legislature shall begin at 12:00 noon on the second Tuesday of January next after each general election and shall remain in session not to exceed sixty days. Such session shall be divided into a first term of thirty days and a second term of thirty days, with a recess of thirty days between such terms. During the first term, all bills to be considered at the session shall be introduced, read not more than twice by title or in full, printed, and referred to the appropriate committee. No bill shall be placed upon its third reading or finally passed during its first term, except appropriations for expenses of the legislature and such measures as shall be submitted for immediate legislative action by the governor accompanied by a special message setting forth the facts making such action necessary for the general welfare.

During the second term of such session, all bills introduced at the first term shall stand for final action at the second term. Notwithstanding any provision of any section of this constitution to the contrary, no bill shall be introduced at the second term except appropriations for expenses of the legislature, the general appropriation bill, bills to provide for the current expenses of the government, committee substitutes for bills introduced at the first term, and such measures as may be submitted by the governor, accompanied by a special message showing necessity for legislative action. The members of the legislature shall be allowed their mileage for attending both the first and second terms of the legislature. No special session of the legislature shall exceed thirty days. (Art. IV, sec. 5)

CONSTITUTION OF CALIFORNIA

The sessions of the legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock M., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding thirty days thereafter; whereupon a recess of both houses must be taken for not less than thirty days. On the reassembling of the Legislature, no bill shall be introduced in either House without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling. (Art. IV, sec. 2, xvi)