

Representative James A. Dunnigan proposes the following substitute bill:

HOUSE RULES AMENDMENTS RESOLUTION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This resolution modifies House Rules.

Highlighted Provisions:

This resolution:

- ▶ provides that any action taken by a standing committee while the House is in session is invalid, unless properly authorized;
- ▶ clarifies a motion to hold;
- ▶ establishes conditions to allow a motion to move to the next agenda item;
- ▶ eliminates a motion in committee to postpone to a time certain or day certain;
- ▶ modifies the provisions for taking the final vote on legislation;
- ▶ reducing the time period for legislation to remain on the consent calendar; and
- ▶ makes technical changes.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

HR3-2-104

HR3-2-406

HR3-2-502



26 **HR3-2-504**

27 **HR4-4-201**

28 **HR4-4-301**

29

30 *Be it resolved by the House of Representatives of the state of Utah:*

31 Section 1. **HR3-2-104** is amended to read:

32 **HR3-2-104. Standing Committees Prohibited from Meeting While House is in**
33 **Session -- Exceptions.**

34 (1) A standing committee may not meet while the House is in session unless:

35 ~~[(1)]~~ (a) the chair receives permission to meet from the Speaker; or

36 ~~[(2)]~~ (b) a floor motion for the committee to meet while the House is in session is
37 approved by a majority of the Representatives present on the floor.

38 (2) Unless a committee is authorized to meet as provided in Subsection (1), any action
39 taken by a standing committee while the House is in session is invalid.

40 Section 2. **HR3-2-406** is amended to read:

41 **HR3-2-406. Standing Committee Duties -- Process.**

42 (1) With a majority vote, a standing committee may, for each piece of legislation in its
43 possession:

44 (a) pass the legislation out of the standing committee with a recommendation that it be
45 read for the second time and placed on the third reading calendar;

46 (b) pass the legislation out of committee with a recommendation that it be read for the
47 second time and placed on the consent calendar;

48 (c) amend the legislation;

49 (d) substitute the legislation;

50 (e) hold the legislation by making a motion to hold or by making a motion to move to
51 the next agenda item;

52 (f) table the legislation;

53 (g) return the legislation to the House Rules Committee; or

54 (h) some combination of Subsections (1)(a) through (g).

55 (2) If in accordance with HR3-1-102 the House Rules Committee forwards a summary
56 report from the Occupational and Professional Licensure Review Committee in conjunction

57 with legislation referred to a standing committee, the chair of the standing committee shall
58 ensure that the summary report is read orally to the standing committee before action is taken
59 by the standing committee on the legislation that is related to the summary report.

60 (3) A standing committee may report a piece of legislation to the House with the
61 recommendation that the legislation be placed on the consent calendar if:

62 (a) the sponsor has requested that the legislation be placed on the consent calendar;

63 (b) the committee has passed the legislation out favorably by unanimous vote with a
64 quorum present; and

65 (c) in a separate motion and vote, the committee has, with a quorum present,
66 unanimously recommended that the legislation be placed on the consent calendar.

67 (4) The standing committee chair shall ensure that:

68 (a) the committee sends a report to the House detailing its action on each piece of
69 legislation referred to it;

70 (b) a secretary records attendance and takes minutes of committee action; and

71 (c) the record of attendance and minutes are filed in the office of the Chief Clerk of the
72 House and retained for three years.

73 Section 3. **HR3-2-502** is amended to read:

74 **HR3-2-502. Motions in Committee -- General Requirements and Procedures.**

75 (1) (a) Except as provided in Subsections (2) and (3), any standing committee member
76 who is recognized by the standing committee chair may make a motion.

77 (b) A second to the motion is not required.

78 (2) (a) A committee member may not speak to a matter and then make a motion unless
79 the committee member has:

80 (i) asked the standing committee chair to allow the member to reserve the right to make
81 a motion; and

82 (ii) received permission to do so from the standing committee chair.

83 (b) In speaking to the matter, the committee member shall confine the member's
84 remarks to the subject of the motion to be made.

85 (c) A committee member may only reserve the right to make:

86 (i) a motion to amend; or

87 (ii) a substitute motion.

- 88 (3) A committee member may not make:
- 89 (a) a motion to strike the enacting clause of a bill;
- 90 (b) a motion to strike the resolving clause of a resolution; or
- 91 (c) a motion to circle.

92 (4) A motion to move to the next agenda item is in order if there is at least one

93 additional item of business on the committee's agenda.

94 [~~(4)~~] (5) The standing committee chair shall:

- 95 (a) restate each oral motion made by a committee member; and
- 96 (b) ensure that each written motion made by a committee member is distributed to the
- 97 committee members.

98 [~~(5)~~] (6) The committee member who made a motion may withdraw it at any time

99 before the vote on the motion, unless a substitute motion has been made and is still pending.

100 Section 4. **HR3-2-504** is amended to read:

101 **HR3-2-504. Motions in Order During Debate.**

102 (1) (a) When a motion or question is being debated, the standing committee chair may

103 not accept any other motion except a motion:

- 104 (i) to adjourn, which is nondebatable;
- 105 (ii) to determine the time to which to adjourn, which is debatable;
- 106 (iii) to recess, which is nondebatable;
- 107 (iv) to end debate (call the previous question), which is nondebatable and requires a
- 108 two-thirds vote to pass;

109 (v) to refer to another committee, which is debatable;

110 (vi) to limit debate, which is debatable;

111 [~~(vii) to postpone to a time certain, which is debatable;~~]

112 [~~(viii)~~] (vii) to table, which is debatable;

113 [~~(ix)~~] (viii) to adopt a substitute, which is debatable; or

114 [~~(x)~~] (ix) to amend, which is debatable.

115 (b) Points of order and appeals of the decision of the chair are not motions and are

116 always in order.

117 (c) The standing committee chair shall grant priority to the motions listed in Subsection

118 (1)(a) according to the order in which they are listed in that subsection.

119 (2) (a) If a motion to amend or substitute the legislation has been proposed and is under
120 consideration by the committee, the standing committee chair shall treat a motion to end debate
121 (call the previous question) as directed only toward adoption of the amendment or substitute.

122 (b) If no motion to amend or substitute legislation has been made, the standing
123 committee chair shall treat a motion to end debate (call the previous question) as directed
124 toward action on the legislation itself.

125 (3) If a motion to [~~postpone a piece of legislation to a day certain or a motion to~~] return
126 a piece of legislation to the Rules committee is defeated, a committee member may not make
127 the same motion on the same piece of legislation during the same committee meeting.

128 Section 5. **HR4-4-201** is amended to read:

129 **HR4-4-201. Third Reading Calendar -- Procedures.**

130 (1) (a) For the third reading on a piece of legislation, the Chief Clerk of the House or
131 the Chief Clerk's designee shall read the legislation by title unless the House suspends this
132 requirement by a two-thirds vote.

133 (b) (i) After reading the title of the legislation, the Chief Clerk or the Chief Clerk's
134 designee shall identify the House standing committee that reviewed the legislation and the vote
135 in that committee.

136 (ii) If the legislation has not been reviewed by a House standing committee, the Chief
137 Clerk or the Chief Clerk's designee shall announce that the legislation was not reviewed by a
138 House standing committee.

139 (2) When the Chief Clerk or the Chief Clerk's designee has completed the third reading
140 of the legislation, the legislation is before the House for debate.

141 (3) When debate on the legislation is complete, the presiding officer shall[~~:(a) pose~~
142 ~~the final question: "This bill (resolution) has been read three times; the question is: Shall the~~
143 ~~bill (resolution) pass?"~~; and ~~(b)~~] take the final vote on the legislation.

144 Section 6. **HR4-4-301** is amended to read:

145 **HR4-4-301. Consent Calendar.**

146 (1) If a standing committee report recommends that a piece of legislation be placed on
147 the consent calendar and the standing committee report is adopted by the House, the Chief
148 Clerk or the Chief Clerk's designee shall place the legislation on the consent calendar.

149 (2) (a) Whenever the consent calendar contains legislation, the presiding officer shall

150 inform the House each day that:

151 (i) there are items on the consent calendar; and

152 (ii) if any Representative objects to a piece of legislation on the consent calendar, that
153 Representative should inform the Chief Clerk.

154 (b) If the Chief Clerk receives written objections to a piece of legislation from six or
155 more Representatives, the Chief Clerk shall:

156 (i) remove the legislation from the consent calendar;

157 (ii) inform the sponsor that the legislation has been removed from the consent calendar;

158 and

159 (iii) place the legislation at the bottom of the third reading calendar.

160 (3) The presiding officer shall announce that the legislation has been removed from the
161 consent calendar.

162 (4) (a) If, after [~~three days during which the House has floor time~~] two calendar days,
163 no more than five members have registered written objections to the legislation with the Chief
164 Clerk:

165 (i) the legislation shall be read the third time;

166 (ii) the presiding officer shall grant the sponsor of the legislation two minutes to
167 introduce and explain the legislation; and

168 (iii) the presiding officer shall pose the question and take the final vote on the
169 legislation.

170 (b) The presiding officer may not allow debate on legislation on the consent calendar.

FISCAL NOTE

H.R. 1 1st Sub. (Buff)

SHORT TITLE: House Rules Amendments Resolution

SPONSOR: **Dunnigan, J.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.