

HR0001S01 compared with HR0001

~~{deleted text}~~ shows text that was in HR0001 but was deleted in HR0001S01.

inserted text shows text that was not in HR0001 but was inserted into HR0001S01.

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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:

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None

Legislative Rules Affected:

AMENDS:

HR3-2-104

HR3-2-406

HR3-2-502

HR3-2-504

HR4-4-201

HR4-4-301

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

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

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

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

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

~~(2)~~ (b) a floor motion for the committee to meet while the House is in session is

approved by a majority of the Representatives present on the floor.

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

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

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

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

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

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

(c) amend the legislation;

(d) substitute the legislation;

(e) hold the legislation by making a motion to hold or by making a motion to move to

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the next agenda item;

- (f) table the legislation;
- (g) return the legislation to the House Rules Committee; or
- (h) some combination of Subsections (1)(a) through (g).

(2) If in accordance with HR3-1-102 the House Rules Committee forwards a summary report from the Occupational and Professional Licensure Review Committee in conjunction with legislation referred to a standing committee, the chair of the standing committee shall ensure that the summary report is read orally to the standing committee before action is taken by the standing committee on the legislation that is related to the summary report.

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

- (a) the sponsor has requested that the legislation be placed on the consent calendar;
- (b) the committee has passed the legislation out favorably by unanimous vote with a quorum present; and

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

(4) The standing committee chair shall ensure that:

- (a) the committee sends a report to the House detailing its action on each piece of legislation referred to it;
- (b) a secretary records attendance and takes minutes of committee action; and
- (c) the record of attendance and minutes are filed in the office of the Chief Clerk of the House and retained for three years.

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

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

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

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

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

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

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

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

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

(i) a motion to amend; or

(ii) a substitute motion.

(3) A committee member may not make:

(a) a motion to strike the enacting clause of a bill;

(b) a motion to strike the resolving clause of a resolution; or

(c) a motion to circle.

(4) A motion to move to the next agenda item is in order if there is at least one additional item of business on the committee's agenda.

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

(a) restate each oral motion made by a committee member; and

(b) ensure that each written motion made by a committee member is distributed to the committee members.

~~[(5)]~~ (6) The committee member who made a motion may withdraw it at any time before the vote on the motion, unless a substitute motion has been made and is still pending.

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

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

(1) (a) When a motion or question is being debated, the standing committee chair may not accept any other motion except a motion:

(i) to adjourn, which is nondebatable;

(ii) to determine the time to which to adjourn, which is debatable;

(iii) to recess, which is nondebatable;

(iv) to end debate (call the previous question), which is nondebatable and requires a two-thirds vote to pass;

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

(vi) to limit debate, which is debatable;

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

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

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

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

(b) Points of order and appeals of the decision of the chair are not motions and are always in order.

(c) The standing committee chair shall grant priority to the motions listed in Subsection (1)(a) according to the order in which they are listed in that subsection.

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

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

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

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

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

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

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

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

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

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

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Legislative Review Note

— as of ~~2-23-11 4:45 PM~~

— ~~Office of Legislative Research and General Counsel~~; Section 6. HR4-4-301 is amended to read:

HR4-4-301. Consent Calendar.

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

(2) (a) Whenever the consent calendar contains legislation, the presiding officer shall inform the House each day that:

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

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

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

(i) remove the legislation from the consent calendar;

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

and

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

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

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

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

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

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

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