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Contains: Proposed Amendment to House Rules

HOUSE CALENDAR

PROPOSED AMENDMENT TO HOUSE RULES

2001-0004h

Amendment to House Rules

Proposed by Reps. Scanlan and Burling

Amend House Rules 1 and 2 to read as follows:

1. The Speaker shall take the chair at precisely the hour to which the House has adjourned and shall immediately call the members to order. [~~Members shall take their seats and shall activate their voting stations immediately. When they leave their seats for any reason they shall deactivate their stations.~~]

2. The Speaker shall preserve decorum and order, may speak on points of order in preference to other members, and shall decide questions of order[~~, subject to an appeal to the House by any two members. The appeal shall be decided by a majority vote of those members present and voting~~]. ***The decision of the Speaker on a question of order shall be conclusive unless the decision is immediately appealed to the House. The House shall decide the appeal by a majority vote of those members present and voting.***

Amend House Rule 4 to read as follows:

4. The Speaker shall refer all bills, resolutions, memorials, petitions, accounts, and other matters coming before the House to the appropriate committees, unless otherwise ordered by the House. [~~Upon recommendation of the Committee on Rules,~~] The Speaker may refer the same jointly to two committees or to a special committee.

Amend House Rule 6 to read as follows:

6. The Speaker shall sign all bills, resolutions, and addresses after passage ***or enrollment***. All warrants, subpoenas and other processes issued by order of the House shall be signed by the Speaker and attested to by the Clerk.

Amend House Rules 8 and 9 to read as follows:

8. [~~The Speaker shall sign all bills after enrollment in both bodies.~~

~~9.~~] The Speaker shall have power to substitute any member to perform the duties of the Chair. If absent, the Speaker shall designate a member to perform the duties of the Chair unless otherwise ordered by the House.

9. When the House is called to order, members shall take their seats and shall activate their voting stations immediately. When they leave their seats for any reason they shall deactivate their stations.

Amend House Rule 10 to read as follows:

10. In all cases not provided for by the Constitution, House Rules or Joint Rules, *Mason's Manual of Legislative Procedure,* [~~*1989*~~] ***2000*** Edition, shall be [~~referred to as~~] the parliamentary guide.

Amend House Rule 15 to read as follows:

15. If any member transgresses the rules of the House, the Speaker shall, or any member may, call the member to order. The member called to order shall immediately sit down and the question of order shall be distinctly stated [~~from~~] ***by*** the [~~Chair. The decision of the Speaker on the question of order shall be conclusive unless the decision is immediately appealed to the House. The House shall decide the appeal by a majority vote of those members present and voting~~] ***Speaker***.

Amend House Rules 17 and 18 to read as follows:

17. (a) The following persons shall be admitted within the door of the Representatives' chamber while the House is in session: House members and officers, the Governor, Council members, Senate members, the Secretary of State, the Treasurer, and the Senate Clerks.

(b) No other person shall be admitted within the door of the Representatives' chamber or anteroom while the House is in session, except with the permission of the [~~Chair~~] ***Speaker***.

18. Before any petition is received and read, the substance of the petition shall be in concise form, and the name of the [~~member or~~] person presenting it [~~and the member's district~~] shall be recorded on the petition. The Speaker shall state the substance of the petition.

Amend House Rules 20-22 to read as follows:

20. (a) When any question is under debate, precedence of motions shall be as follows:

(1) to adjourn;

(2) to lay on the table;

(3) for the previous question;

(4) to postpone to a certain day;

(5) to commit;

(6) to amend;

(7) to postpone indefinitely.

Motions to adjourn, to lay on the table, for the previous question, and to take from the table shall be decided without debate. A motion to postpone to a certain day shall be debatable both as to time and subject matter.

(b) No vote on a motion to lay on the table a Constitutional Amendment Concurrent Resolution shall pass unless approved by an affirmative vote of three-fifths of the entire House membership.

(c) When a question is postponed indefinitely, it shall not be acted on during the same session, unless two-thirds of those members present and voting vote in favor thereof.

(d) [~~On a motion to amend, the refusal by the maker of the amendment to strike out words shall neither preclude amendment to such words nor a motion to strike out and insert.~~

~~(e) A motion for commitment shall preclude all amendments to the main question until it is decided; and all motions and reports may be committed at the pleasure of the House.~~

~~(f)~~] No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

21. (a) The Speaker shall put the previous question in the following form: "Shall debate now be limited?" and all debate on the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the House shall forthwith be taken on pending amendments, in their regular order, and then on the main question. [~~The motion for the previous question shall not be put unless demanded by three members.~~]

(b) All incidental questions of order arising after a motion of the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

(c) If the previous question is decided in the negative, it shall not again be in order for the particular question under consideration until after adjournment, but the main question shall be left before the House and disposed of as though the previous question had not been put.

22. [~~(a)~~] There shall be three forms of [~~putting~~] ***deciding*** the question: voice vote, division vote, roll call vote. No member shall vote in any case when the member was not present when the question was put.

[~~(b)~~]***(a)*** The question put by voice vote shall be: "All those in favor of the question say 'aye,'" and after the affirmative vote is expressed, "Those of a contrary opinion say 'no.'"

[~~(c)~~]***(b)*** A division vote shall be taken if the Speaker doubts the voice vote or if a member calls for a division vote. When a division of the House is taken, the Speaker may appoint a teller for each seating division of the House, who shall report to the Chair the state of the vote.

[~~(d)~~]***(c)*** A roll call shall be taken when a member moves for a roll call vote and that motion is seconded by 10 other members. The member requesting the roll call vote and the 10 members who second the motion shall notify the [~~speaker~~] ***clerk*** in writing or shall rise from their seats or otherwise be recognized by the Speaker.

[~~(e)~~]***(d)*** When a division or a roll call is taken, the Speaker shall put the question and open the voting stations for not more than 30 seconds. Each member present at his or her voting station shall press either the YES (Green) or NO (Red) button unless excused by the House for a special reason. After closing the vote, the Speaker shall rise and state the decision of the House.

[~~(f) Any member may call for a division of the question when the sense will admit it.~~]

Amend House Rule 25 to read as follows:

25. [~~(a)~~] No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side while the bill or resolution is in the possession of the House. [~~Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.~~]

[~~(b)~~]***(a)*** Notice of a motion for reconsideration shall be in order only until noon on the next business day after the date that the vote was taken.

[~~(c)~~]***(b)*** Any such notice of reconsideration shall be effective for two legislative days only and thereafter shall be null and void. ***The day when notice is served shall be counted as the first legislative day, even if notice occurs while the House is in recess or adjournment.***

[~~(d) The day when notice is served shall be counted as the first legislative day, even if notice occurs while the House is in recess or adjournment.~~

~~(c)~~]***(c)*** When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

(d) Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.

Amend House Rule 27 to read as follows:

27. All members shall [~~seasonably and punctually~~] attend to their duties in the House or committee, and no one shall be absent from the service of the House or committee unless the member has leave, or is sick and unable to attend.

Amend the introductory paragraph of House Rule 30 to read as follows:

30. The following standing policy committees shall be appointed at the commencement of any session and will consist of not more than 23 members: Children and Family Law; Commerce; Criminal Justice and Public Safety; Education; Election Law; Environment and Agriculture; Executive Departments and Administration; Finance; ***Fish and Game;*** Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Works and Highways; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations and Veterans Affairs; Transportation; ***and*** Ways and Means[~~; and Wildlife and Marine Resources~~].

Amend House Rule 30 by inserting after paragraph (h) the following new paragraph and renumbering paragraphs (i) – (u) to read as (j) - (v), respectively.

(i) It shall be the duty of the Committee on [~~Wildlife and Marine Resources~~] ***Fish and Game*** to consider all matters concerning conservation, improvement and preservation of fish, game and non-game species and marine resources within the state; and such other matters as may be referred to it.

Amend House Rule 30 by deleting paragraph (v).

Amend House Rule 36(c) to read as follows:

(c) When a bill is [~~proposed~~] ***requested*** by any state agency, the name of the agency [~~proposing~~] ***requesting*** it shall appear in the bill analysis.

Amend House Rules 37 and 38 to read as follows:

37. Every request by a member of the House for drafting a bill, house resolution taking a policy position, concurrent resolution, constitutional amendment-concurrent resolution, or joint resolution other than the general budget or the capital budget bill, ***which complies with these Rules,*** shall be accepted by the Office of Legislative Services for processing no later than the date specified by Rule 64. Each request shall be accompanied by sufficient information necessary for drafting. This deadline shall not apply to house resolutions which do not propose policy positions. [~~Such resolutions may be accepted for drafting by the Office of Legislative Services at any time.~~]

38. (a) The sign-off deadlines set by Rule 64 shall supersede the time limits set forth in this Rule.

(b) The sponsor of any legislation shall sign it for introduction within 10 calendar days after the draft legislation is mailed to the sponsor for approval, whether or not the fiscal note has been prepared. If the 10th day falls on a Saturday, Sunday, or holiday, the 10-day period shall expire on the subsequent working day. ***The Director of the Office of Legislative Services may withdraw any legislation when the sign-off deadline has not been met.*** The sponsor's name shall be published at least once on the "signatures needed" list in the House Calendar within the sign-off period. If the sponsor requests a redraft within the sign-off period, the sponsor shall sign the legislation for introduction within 10 calendar days after the redraft has been mailed to the sponsor. No more than one redraft per LSR may be requested during the last 10 days prior to the sign off-deadline. The sign-off deadline in section (a) shall supersede the time limits set forth in this section.

(c) If the primary sponsor signs the legislation in time for introduction, but one or more co-sponsors fails to sign, the legislation shall be introduced in the names of those sponsors who have signed. If the primary sponsor fails to sign the legislation in time for introduction, a co-sponsor may become the primary sponsor. If the primary sponsor fails to sign, and no co-sponsor wishes to

become the primary sponsor, the legislation may not be introduced [~~without suspension of this rule~~].

(d) An LSR may be withdrawn at any time prior to its introduction with the consent of all of its sponsors. Any sponsor may request that his or her name be deleted as a sponsor of the bill prior to its introduction.

Amend House Rules 40 and 41 to read as follows:

40. All House Bills, House Joint Resolutions, House Constitutional Amendment Concurrent Resolutions, House Concurrent Resolutions and House Resolutions proposing that the House take a policy position may be introduced at any time prior to any deadline established by the House for their introduction. Exceptions:

(a) Notwithstanding any other provisions of the Rules, a House Bill, House Joint Resolution, House Constitutional Amendment Concurrent Resolution, or House Concurrent Resolution may be introduced into the House at any time prior to the crossover date specified in Rule 64, if approved by either a majority of the Committee on Rules, or a two-thirds vote [~~on the floor~~] ***of those House members present and voting***; and

(b) House Resolutions proposing that the House take a policy position may be introduced into the House at any time after the deadline for introduction of bills and resolutions if approved by either a majority of the Committee on Rules, or a two-thirds vote [~~on the floor~~] ***of those House members present and voting***.

41. Every bill, resolution, joint resolution, and concurrent resolution proposing that the House take a policy position shall have three separate readings in the House prior to its passage. The first and second readings and referral to committee shall be by title only which may be accomplished by a [~~conglomerate~~] ***single*** motion[~~, after which the bill shall be referred by the Speaker to the appropriate committee and shall be printed as provided in Rule 42, unless otherwise ordered by the House~~]. No bill or resolution after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills, resolutions, and joint resolutions shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed.

Amend House Rule 44 to read as follows:

44.(a) All bills in the possession of committees shall be reported out by the date specified in Rule 64 with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, Re-refer to Committee, Inexpedient to Legislate, ***or*** Refer for Interim Study[~~, or Recommended but to be Laid Upon the Table Because of Funding~~]. Re-refer to Committee shall be a committee report only in the first-year session; Refer for Interim Study shall be a committee report only in the second-year session. The Committee, as its Interim Study final report, shall submit its findings and any recommendations.

(b) All committee reports on bills shall be printed in the House Calendar at least once prior to the date listed for floor action. If a bill is reported favorably with an amendment, the committee report shall describe the bill as amended. The amendment shall be printed in the House Calendar.

(c) If a bill is reported Re-refer to Committee, it shall read Re-refer to Committee for action in the second-year session. The report on a re-referred bill shall contain an explanation of the issue(s) which require(s) review. [~~Bills~~] ***A bill*** which [~~have been~~] ***was*** re-referred [~~to~~] ***upon recommendation of*** the Finance Committee may be referred by the Speaker to the original committee to which it was assigned [~~when the House adjourned from the first session~~]. All bills re-referred in the first-year session shall be acted on by the third legislative day of the second-year session.

(d) No committee shall report with a positive recommendation any bill or resolution which would, if enacted, be a violation of Part I, Article 28-a of the N.H. Constitution. The vice chairman or another member of each committee shall review all pending legislation and shall advise the chairman and the members of all legislation before the committee which should be reviewed in terms of this Rule.

Amend House Rule 48(a) to read as follows:

48. (a) There shall be a detailed briefing on the general budget bill presented to the House at least two days before final action is taken on such a bill [~~and, in any event, not later than the deadline established in Rule 64~~].

Amend House Rule 100(j) – (s) to read as follows:

(j) To appoint the chairman ***and all members*** of all subcommittees [~~and further to appoint the membership of all subcommittees~~];

(k) To assign duties and responsibilities to the vice-chairman of the committee;

(l) To sign all documents which require the chairman's signature;

(m) To arrange for the posting and filing of committee notices;

(n) To supervise and be responsible for the preparation of committee reports and supplements;

(o) [~~To prepare, or supervise the preparation of the agenda for each committee meeting as required by these rules;~~

~~(p)~~] To submit requests to the Speaker for [~~interim studies or meetings or travel for committees or subcommittees~~] ***committee members' attendance at and travel to off-site meetings***;

[~~(q)~~]***(p)*** To have custody[~~, during the legislative session subject to state statutes,~~] of all legislative documents and reports referred or submitted to the committee ***during the legislative session***;

[~~(r)~~]***(q)*** To transmit to the Clerk each legislative document and report which the committee has: 1) reported, or 2) been discharged from considering, or 3) been ordered to report;

[~~(s)~~]***(r)*** To carry out all ***other*** duties ***as may be*** required [~~by law, by action of the House, or by action of the Speaker~~].

Amend House Rules 102 and 103 to read as follows:

102. Excessive [~~Unexcused~~] Absences.

Each committee chairman [~~is authorized to~~] ***may*** request the Speaker to remove from committee membership any member of the committee whose [~~unexcused~~] absences from committee meetings are judged to be excessive in number.

103. Notice of Executive Sessions.

Notice of all executive sessions at which a recorded vote will be taken shall be given by[~~: (1)~~] notification in the House Calendar at least two days prior to said executive session, and/or [~~(2)~~] notification by the Chairman of the appropriate committee on the floor of the House.

Amend House Rule 107-110 to read as follows:

107. Roll Call, Recorded Votes Required.

At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall appear in the records of the committee as otherwise provided in these rules. In all roll call votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of members not participating because of a conflict of interest, ***or absent*** shall be recorded. If a member is present when the question is put, he or she must vote when called unless the member is not participating pursuant to the New Hampshire General Court Ethics Guidelines.

108. Minutes of Meetings Required; Contents.

Minutes of each meeting shall be kept by the committee clerk or under the direction of the clerk and they shall constitute a written record of committee proceedings at such meeting. [~~In~~] The minutes [~~there~~] shall [~~be entered~~] ***contain***:

(a) The time and place of the meeting of the committee;

(b) The members present or absent;

(c) The names and addresses of all persons appearing before the committee with the names and address, if any, of the person, firm, corporation or association in whose behalf the appearance is made;

(d) The bills, resolutions or other matters considered[~~, by number where appropriate~~];

(e) Action of the committee, including final action of the committee with respect to each bill or resolution on which the committee makes a report to the House;

(f) The vote of each member on each bill or resolution, matter or motion considered by the committee on which a [~~record~~] ***roll***

call vote is taken;

(g) The important points made by each witness at a public hearing and by each member of the committee, insofar as possible.

109. Permanent Committee Records; Disposition.

(a) The permanent records of the committee shall include [~~the minutes of each meeting and~~] a file on each bill or resolution received by the committee. The file on each bill or resolution shall include ***minutes of all committee and subcommittee meetings,*** a copy of the original document, a copy of committee amendments proposed by a member, whether adopted or not, and the disposition thereof; a copy of any fiscal note, actuarial note or notice attached to a bill or resolution at the time of committee consideration; all prepared statements which have been filed with the committee chairman by members or interested parties.

(b) The [~~minutes and other~~] permanent records of the committee shall be [~~publicly recorded and shall be~~] kept by the House Clerk in a place designated by the Speaker.

110. Open Meetings.

All meetings of any committee of the House and Senate shall be open to the public subject to the provisions of N.H. RSA 91-A [~~and as clarified by the Attorney General of the State of New Hampshire~~].

111. Back-Up Rules.

In such cases where New Hampshire House Committee rules are silent, "Mason's Manual of Legislative Procedures," [~~1989~~] ***2000*** Edition, shall be [~~referred to as~~] the parliamentary guide.