**Rules of Procedure**

**Standing & Special Committees**

**103rd General Assembly**

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**Rules That Apply to Committees**

**Illinois Constitution** -Article IV, Sections 5 & 7

Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Committees of each house… shall give reasonable public notice of meetings, including a statement of subjects to be considered. Either house or any committee thereof as provided by law may compel by subpoena the attendance and testimony of witnesses and the production of books, records and papers.

**House Rules Apply – Committees Cannot Suspend** – Rules 98 & 67(e)

The meetings and actions of the House, including all of its committees, are governed by these House Rules. A committee may not suspend any Rule.

**The Chair May Create Procedural Rules for a Committee** – Rule 10(c)

The Chairperson of a committee may … establish procedural rules (subject to approval by the Speaker) governing the presentation and consideration of legislative measures … Any such procedural rules must be filed with the Clerk and copies provided to all members of the committee.

Procedural rules established by the Chairperson cannot conflict with the House Rules.

***Robert’s Rules of Order Newly Revised*** – Rule 99

The rules of parliamentary practice appearing in the latest edition (12th) of *Robert’s Rules of Order Newly Revised* govern the House in all cases to which they apply so long as they are not inconsistent with these Rules.

**Statutes**

There are some rules in statutory law, and they generally relate to investigative committees for items like administering oaths and issuing subpoenas.

**Overview of Principal Rules**

* Bills, resolutions, amendments, and certain motions are automatically referred to the Rules Committee, which may then refer such items to standing/special committees. (Rule 18 & 78(d))
* A standing/special committee or subcommittee can act only on legislative measures that are referred to the committee and included in the list of items posted for the hearing. (Rule 21)
* Committee members must be included on the attendance roll call to vote at a hearing. Temporary replacements may be appointed for members who are not available for a portion or all of a hearing. (Rules 10(b) & 49)
* The Chair determines what items will be considered at the hearing and the order of consideration. (Rule 10(c))
* When a committee adopts a committee amendment it immediately becomes part of the bill; when a committee considers other measures, such as floor amendments, the committee is only making a recommendation, and a vote of the full House is required later for its adoption. (Rule 40(b) & (g))
* A *majority of those appointed* to a committee is (1) the quorum requirement, and (2) the vote necessary for most actions of the committee, such as reporting bills and resolutions and adopting committee amendments. This requirement is not reduced by any vacancies. (Rules 22(a), 32(a), 40(a) & 102(13))
* No vote will be taken on a measure unless the Principal Sponsor is present; or the Principal Sponsor authorizes the Chair, Spokesperson, or a Chief co-sponsor to present the measure, and the committee consents. (Rule 22(f))
* If the committee recesses, rather than adjourns, posted measures remain eligible at any additional meetings of the committee that week if the House is in session. If the House is not in session, the posting notice remains in effect only on the date of the original hearing. The attendance roll call is not taken at recessed meetings; the roll call from the previous meeting remains in effect. (Rule 21(a)(1))

**Authority & Duties of the Committee Chair**

* Schedule/post committee hearings, subject to approval of Speaker. (Rules 10(e) & 21)
* Call committee to order. (Rule 10(c))
* Set time limits for oral testimony. (Rule 26(b))
* Designate which posted measures to be taken up and in what order. (Rule 10(c))
* Preserve order and decorum. (Rule 10(c))
* Order a record vote for each measure called for a vote. (Rule 10(c))
* Establish procedural rules, subject to the approval of the Speaker. (Rule 10(c))
* Generally supervise affairs of committee. (Rule 10(c))
* Chair/Spokesperson/Chief Co-sponsor present bill/res on behalf of sponsor. (Rule 22(f))
* Create subcommittees. (Rule 14)
* Refer any legislative measure/subject matter to a subcommittee. (Rules 18(c))
* File report with Clerk on measures reported from committee. (Rule 22(d))
* Allow remote witness testimony. (Rule 26(a))
* Decide points of order (ruling of the Chair), but subject to appeal. (Rule 57(b))

The Vice-Chairperson of a committee, or other member of the committee from the majority caucus, may preside over its meetings in the absence or at the direction of the Chairperson. (Rule 10(c))

**Notice of Committee Hearings**

Rule 21

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| --- | --- | --- |
| **Bills, Resolutions,****Subject Matters**,**Executive Orders** |  | **6-Days** advance notice |
|  |  |  |
| **Committee Amendments** |  | May be added by Chair/Clerk to a current hearing notice at any time if (1) the bill is posted for hearing; (2) the amendment is filed by **3:00 p.m.** on the business day before the hearing, and (3) the amendment is referred by the Rules Committee to the standing/special committee. |
|  |  |  |
| **Floor Amendments**; & Motions to: Concur, Recede, Adopt a CCR, Table Committee Amendment, or Accept Amendatory Veto |  | **One-hour** advance notice |

The 6-day notice requirement may be suspended pursuant to a motion adopted with 60 affirmative votes.

Also, the Rules Committee may act to waive the notice requirement for a hearing on a subject matter. Subject matter hearings are for discussion and testimony; there is no voting on the subject matter.

The above reference to motions to table committee amendments applies only to such motions made after the bill has been reported to the full House.

**Attendance Roll Call & Voting**

**Temporary Committee Substitutions -** Members who are unavailable for all or a portion of a committee hearing may be temporarily replaced by the Speaker or Republican Leader. Temporary committee appointments expire when the permanent member returns and has been added to the committee roll, another member is later appointed as the replacement, or the hearing adjourns, whichever occurs first. (Rule 10(b))

**Calling the Attendance Roll Call** – This establishes the presence of a quorum and determines who may participate in committee votes. Members who arrive later may be added to the quorum roll call by making the presence known to the Chair who will then make an announcement. Temporary substitutions will also be announced by the Chair. (Rule 49)

Note: A quorum is required for consideration of legislative measures, but it is not required for a posted hearing on a subject matter. (Rule 32(a))

**Opening a Vote Roll Call** - Committee chairs often open a vote roll call while testimony and discussion are still in progress. This allows members to vote before leaving temporarily to present bills in other committees. Also, the rules allow committee members who arrive during a roll call vote to be added to the quorum roll call and then participate in that roll call vote; and beginning with the 100th G.A., they began allowing the substitution of members, and their addition to the attendance roll call, *during* a roll call vote. (Rule 49)

**Voting Shortcuts** - It has been a custom and practice to allow the use of the *attendance roll call*, or alternativelythe *partisan roll call*, as the record vote for a motion to adopt or report a legislative measure, as long as no committee member objects to such a request from the Chair.

**Remote Hearing Votes** – All roll calls must be conducted orally with the video feed of the member viewable to the committee and public, but traditional methods used to expedite the voting process, such as use of the attendance roll call, may be used with the consent of the committee. (Rule 25(d) & policy posted at IGLA.GOV)

**Changing Vote** – A member may change his vote only while voting is still open; cannot change a vote after the Chair announces the results. (Rule 50 & *Robert’s* 45:8)

**Motion to Reconsider the Vote** - After the record vote on a legislative measure that *remains in the committee’s possession*, a member voting on the prevailing side may move, on the same or following legislative day, to reconsider the vote on the measure. This is usually unnecessary, however, since motions to favorably report from committee are renewable.

When the vote to be reconsidered required a *majority of those appointed or more* for adoption, such as Do Pass or Be Adopted, then the motion to reconsider will require a majority of those appointed. Any other vote in committee requires only a *majority of those voting* to reconsider. (Rules 22(g) & 65(a))

**Remote Participation in Hearings**

**Hearings Posted for Consideration of a *Subject Matter* –** The Speaker may allow members to participate remotely in subject matter hearings. These are hearings for which no legislative measure is posted for a potential vote. A member participating remotely will be recorded as present for attendance purposes, but cannot vote on motions (adjourn, recess, etc.). (Rule 25(a))

**Hearings Posted for Voting on *Legislative Measures*** – The Speaker may allow members to participate remotely in hearings at which the committee may vote on legislative measures, but this is limited to hearings on days when the House is *not* in session. A member participating remotely will be considered present and in attendance, including for the purposes of voting and determining if a quorum is present. (Rule 25(b))

**Hearings During Pestilence or Public Danger** – In cases of pestilence or public danger, upon declaration of the Speaker, members may participate remotely in all committee hearings. A member participating remotely will be considered present and in attendance, including for the purposes of voting and determining if a quorum is present. (Rule 25(c))

**Minimum Requirements for Hearings** **with Remote Participation** - The technology or software used for remote hearings must, at a minimum, be sufficient to (1) verify the identity of a member who is participating remotely, (2) allow the public, including representatives of the press, to hear or view each member and witness who is participating remotely, and (3) allow witnesses to testify as allowed under Rule 26. (Rule 25(d))

**Additional Procedures** – The Speaker may establish additional procedures for remote participation. (Rule 25(d))

**Witness Testimony & Debate**

**Opportunity to Testify** - Any person wishing to offer testimony relating to a posted legislative measure or subject matter shall be given a “reasonable opportunity to do so,” and “both proponents and opponents requesting to be heard” must be “given a fair and substantial opportunity to express their positions.” (Rules 26(b) & (c))

**Time Limits on Testimony** - The Chair may set time limits on oral testimony. (Rule 26(b))

**Motion to Foreclose Further Testimony** - A motion to foreclose further oral testimony requires a *three-fifths majority of those voting* on the motion, but no such motion is in order until both proponents and opponents have been given a fair and substantial opportunity to express their opinions. (Rule 26(c))

**Previous Question** - A motion to end debate (Previous Question) is not allowed in committees. (*Robert’s* 16:4 & 50:25)

**Remote Testimony** – The Chair may allow remote witness testimony when the hearing location has sufficient technology to support remote participation. (Rule 26(a))

The following procedures, as posted on ILGA.GOV, were established by the Speaker for remote witness testimony:

To request an opportunity to provide oral testimony, the individual must (1) submit an electronic witness slip on the General Assembly website; and (2) send a request to the committee email address. Requests must be submitted no later than 24 hours prior to hearing; however, only 30 minutes notice is required for requests to provide oral testimony on committee and floor amendments, the bill or resolution as amended, and motions to concur or recede.

**Subcommittees**

Rules 14, 18(c) & 21(a)

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| --- | --- | --- |
| **Creation** |  | The Chair may create a subcommittee by filing notice with the House Clerk that must specify the subject matter. |
|  |  |  |
| **Membership** |  | The notice must specify the number of majority and minority members and the manner in which appointments shall be made. Members of the subcommittee (and temporary substitutions) must be members of the parent committee. |
|  |  |  |
| **Referrals to Subcommittee** |  | The Chair assigns legislative measures and subject matters to subcommittee, and it is not necessary for referral that such items be posted for a hearing.  |
|  |  |  |
| **Committee Amendments** |  | Subcommittees may ***not*** adopt committee amendments; they may only recommend adoption to the parent committee. |
|  |  |  |
| **Posting Requirements** |  | Parent committee and subcommittees are subject to the same notice requirements. |

Discharge from Subcommittee – In the past, the majority party has interpreted the rules in a manner that does *not* allow for a motion *in committee* to discharge from subcommittee. The House Rules, however, have no such prohibition; they are silent on this question. *Robert’s*, consequently, would apply; and it clearly provides that a committee may use this motion to return a referred item from subcommittee. (*Robert’s* 36:1n3)

**Committee Amendments**

|  |  |  |
| --- | --- | --- |
| Eligible Sponsors of Amendments |  | Principal Sponsor, Chief Co-Sponsors & committee members. (Rule 40(a)) |
|  |  |  |
| Time When Amendments May Be Filed With House Clerk |  | After the Rules Committee has referred the bill to a standing/special committee. (Rule 40(d)) |
|  |  |  |
| Other Requirements |  | May be added to a current hearing notice at any time if (1) the bill is posted for hearing; (2) the amendment is filed by **3:00 p.m.** on the business day before the hearing, and (3) the amendment is referred by the Rules Committee to the committee. (Rule 21(a)(2)) |
|  |  |  |
| Motions on Amendments |  | Do Adopt or Do Not Adopt– *majority of those appointed.* (Rule 40(a)) |

An adopted committee amendment may be tabled by a *majority of those appointed* while the bill remains in committee. (Rule 60(e))

**Floor Amendments**

|  |  |  |
| --- | --- | --- |
| Eligible Sponsors of Floor Amendments |  | Any member of the House. (Rule 40(b)) |
|  |  |  |
| Time When Floor Amendments May Be Filed With House Clerk |  | While the bill is on the order of Second Reading, Third Reading, or Postponed Consideration; while a resolution is on the order of Resolutions. (Rule 40(b)) |
|  |  |  |
| Referral to Committee |  | Floor Amendments are automatically referred to the Rules Committee, which may refer the amendment to a standing/special committee, refer it directly to the full House, or hold it in the Rules Committee. (Rule 18(e)) |
|  |  |  |
| Committee Motions |  | Be Adopted or Be Not Adopted– *majority of those appointed* (Rule 22(a)) |

**Reporting Motions**

Rule 22

**Motions to Favorably Report a Legislative Measure** - All reporting motions require the affirmative vote of a *majority of those appointed*, and vacancies do not reduce the required vote. The normal reporting motions for a bill, resolution, floor amendment, concurrence motion, recede motion, conference committee report, or amendatory veto acceptance motion are as follows:

* **Do Pass** or **Do Pass As Amended**  (bills and state constitutional amendment resolutions)
* **Be Adopted** or **Be Adopted As Amended**

**Renewability** - Rule 22(g) provides for renewability of motions to *favorably* report to the House the following measures: bills, resolutions, floor amendments, motions to concur, motions to recede, motions to adopt conference committee reports, motions to table committee amendments, and motions to accept an amendatory veto. There is a limit, however, of **two votes** on motions to favorably report such measures; and when asecond attempt to favorably report a legislative measure fails, the legislative measure is automatically tabled.

**Other Reporting Motions** – When any of the following reporting motions is adopted, the measure is automatically tabled pursuant to Rule 24. These motions are not typically made by committee members.

* **Do Not Pass** or **Do Not Pass As Amended**
* **Be Not Adopted** or **Be Not Adopted As Amended**
* **Without Recommendation**
* **Tabled**

**Reporting Deadlines**

House Rule 9 authorizes the Speaker to establish a committee reporting deadline for bills, and bills not reported to the House by the deadline are automatically re-referred to the Rules Committee pursuant to Rule 19. In the past, the Speaker has periodically extended the reporting deadline for some bills. Also, there is usually not a reporting deadline for appropriation bills; and committee reporting deadlines are never applied to resolutions. 2023 Committee Deadlines:

House substantive bills: March 10, 2023

Senate substantive bills: April 28, 2023

**Recessed Hearings**

**Extend Time for Consideration of Posted Measures** - Committee meetings are usually recessed, rather than adjourned, to allow potential consideration of posted measures on a subsequent day that same week.

House Rule 21(a)(1) provides that legislative measures and subject matters posted for a hearing may also be considered at any committee hearing *re-convened following a recess of the committee for which notice was posted*, but only if the House has met or was scheduled to meet in regular, veto, or special session on each calendar day from the time of the original committee hearing to the re-convened committee hearing.

These “recessed hearings” can occur after the original hearing on the same day or at a later date that week. The typical weekend break from session prevents a committee’s recessed hearing from occurring during the following week of session when a new original hearing could be scheduled.

**Use of Quorum Roll Call from Original Meeting** - Unless there is an objection, the quorum roll call from the original hearing will continue in force for any recessed hearings. Consequently, if committee members grant leave to use the attendance roll call as the record vote to report a legislative measure, the quorum roll call from the original hearing will be used for that record vote, rather than the actual attendance at the recessed hearing.

**Discharge of Committee**

Rule 22(e) provides that when a committee fails to report a legislative measure pending before it, or fails to hold a public hearing on a legislative measure pending before it, the exclusive means to bring that measure before the House is as provided in Rule 18 (discharge from Rules Committee) and Rule 58 (discharge from standing/special committee).

The rules for discharge from the Rules Committee are so onerous that this is not a real option. An actual House vote can occur on a motion to discharge from standing/special committee, however, as long as the legislative measure remains pending in the committee.

**Motion to Discharge a Legislative Measure from a Standing/Special Committee (Rule 58)** –While a bill remains pending in a committee, the House may discharge the bill from the standing committee with 60 affirmative votes. The discharge motion may not be considered until it appears on the Daily House Calendar, which should be the day after the motion is filed with Clerk.

If the discharge motion does not appear on the Calendar, a member may move to suspend the calendar requirement and discharge the bill, but this would require 71 affirmative votes.

The discharge motion can also be made for other measures remaining in a committee, such as floor amendments and concurrence motions.

**Motion to Discharge a Bill from the Rules Committee** – A bill in the Rules Committee may be discharged pursuant to Rule 18(g), but no bill has ever been discharged under this 2011 rule. It requires that three-fifths of the membership of each partisan caucus sign the motion ***and*** join as co-sponsors of the bill. If such a motion is filed, the bill is automatically discharged to the standing committee or special committee referenced on the motion.

Resolutions and other measures may be discharged from the Rules Committee with unanimous consent of the House.

**Miscellaneous Rules**

**Seconds to Motions** - No second is required of any motion in committee. (Rule 54)

**Non-Voting Members of House Committees** - All leaders are non-voting ex-officio members of each standing/special committee, or may serve as regular voting members if appointed as such. Also, the Speaker and Minority Leader may appoint any member of their respective caucus as a non-voting member of any standing or special committee. Non-voting members are not counted when determining the presence of a quorum in committee. (Rule 10(b) & 102(13))

**Options When Committee is Not Properly Managed**

**Deny Leave for Shortcuts**

If there is an objection, the Chair may not use the attendance roll call or the partisan roll call as the record vote on a motion.

The Chair will sometimes conduct votes on multiple amendments, bills, or resolutions on a single roll call, but each member always has the right to *divide the question*. (Rules 54 and 64)

The Chair, Spokesperson, or Chief co-sponsor may present a bill or resolution in committee on behalf of Principal Sponsor *when the committee consents*. (Rule 22(f))

**Motion to Recess** (*Robert’s,* 20 & Rule 55)

This motion can be made at any time, unless a motion to Adjourn is pending. It can be moved while a bill or other legislative measure is the pending business, but is out of order when another has the floor. Requires a *majority of those voting* for adoption.

If the motion fails, it can be renewed after material progress in business or in debate. (*Robert’s*, 38:7(4))

**Motion to Adjourn** (*Robert’s*, 21 & Rule 55)

A motion to adjourn is in order at any time, except when a prior motion to adjourn has been defeated and no intervening business has transpired. It can be moved while a bill or other legislative measure is the pending business, but is out of order when another has the floor. Requires a *majority of those voting* for adoption, and is not debatable.

If the motion fails, it can be renewed after material progress in business or in debate. (*Robert’s*, 38:7(4))

**Point of Order - Appeal Ruling** (*Robert’s*, 24 & Rule 57)

*Robert’s* provides that when a member thinks that the rules are being violated, he can make Point of Order, **thereby calling upon the Chair for a ruling and an enforcement of the rules**.

This motion takes precedence over any pending question (such as a pending bill) related to the point of order, and it is in order when another member has the floor if the point generally requires attention at such time.

There is a timeliness requirement for making a Point of Order, but not when the breach is of a continuing nature (e.g., object to consideration of a bill not posted for the hearing), and in cases of violations of state or federal law, fundamental principles of parliamentary law, a rule protecting absentees, or a rule protecting a basic right of an individual member.

After raising a Point of Order, the Chair must then rule whether it “is well taken” or “is not well taken.” Any member of the committee may make the motion to Appeal the Ruling of the Chair, which is debatable, but an appeal is not in order if the committee has adjourned or recessed, or intervening business has occurred.

The question is “Shall the ruling of the Chair be sustained?” The Chair’s ruling is sustained unless *3/5 of those appointed* to the committee (not the same as 3/5 of those voting) vote in the negative.

**Examples of situations that may require a Point of Order:**

- Limitations on testimony do not allow “reasonable opportunity” to testify.

- Chair is allowing a third vote (only two allowed) to adopt/pass measure out of committee.

- Question presence of a quorum (Rules 32 & 55):

A *majority of those appointed* constitutes a quorum of a committee. Rule 32(b) references the right of members to question the quorum during a committee hearing: “The question of the presence of a quorum in any committee may not be raised on consideration of a legislative measure by the House unless the same question was previously raised before the committee with respect to that legislative measure.”

The Chair’s ruling on this question may be appealed.

*Robert’s* provides that any member noticing the apparent absence of a quorum can make a Point of Order to that effect at any time so long as he does not interrupt a person who is speaking (40:12)

The presence of a quorum is not required for a committee to simply discuss and hear testimony on a posted “subject matter.”

**Dissent & Protest** (Rule 90)

Any two members have the right to dissent and protest against any act or resolution that they may think injurious to the public or to any individual, and have the reason of their protest entered upon the journal.

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