SPONSORS: Christina Plum (Principal Sponsor), Aurora Austriaco, Roula Allouch, William D. Johnston, Tommy Preston, Jr.

PROPOSAL: Amends §44.2(b) of the Rules of Procedure of the House of Delegates to give a presenter five minutes to present a resolution when the Chair of the House of Delegates invokes the rules of limited debate.

§44.2 Time Limits.

(b) A person presenting a resolution (either as a main motion or as a motion to substitute) or a minority report may speak for not more than ten minutes in making such presentation, in addition to any right such person may have to close debate. A person may not otherwise speak for more than five minutes on the same question. No person may speak for more than five minutes in closing debate. If there is no opposition to a resolution, at the discretion of the Chair of the House of Delegates, the presenter will have three minutes to present; each subsequent speaker will have a maximum of two minutes; and the presenter may have two minutes to close. On recommendation of the Committee on Rules and Calendar, the House may, by a vote of two-thirds of the delegates voting, extend or reduce the time limitations provided for in this Section.

(Legislative Draft – Additions underlined; deletions struck through)

§44.2 Time Limits.

(b) A person presenting a resolution (either as a main motion or as a motion to substitute) or a minority report may speak for not more than ten minutes in making such presentation, in addition to any right such person may have to close debate. A person may not otherwise speak for more than five minutes on the same question. No person may speak for more than five minutes in closing debate. If there is no opposition to a resolution, at the discretion of the Chair of the House of Delegates, the presenter will have three minutes to present; each subsequent speaker will have a maximum of two minutes; and the presenter may have two minutes to close. On recommendation of the Committee on Rules and Calendar, the House may, by a vote of two-thirds of the delegates voting, extend or reduce the time limitations provided for in this Section.
REPORT

This amendment to §44.2(b) of the Rules of Procedure of the House of Delegates ("House Rules") makes a modest change to the rules of limited debate, providing the presenter two additional minutes to speak. As explained below, this amendment does not affect the Chair’s discretion to invoke the rules of limited debate. Instead, the amendment ensures that every presenter will have a minimum of five minutes to present the Resolution with Report, even if the rules of limited debate are invoked.

Background

At each meeting of the ABA House of Delegates, between twenty-five and forty-five resolutions are considered. Most resolutions are not formally opposed, meaning that no one files a “salmon slip” indicating a desire to speak in opposition to the resolution or to amend the resolution. If there is no opposition to a resolution, the Chair of the House of Delegates ("Chair") has the option to invoke the rules of limited debate as the debate on that resolution begins.

Under the rules of limited debate, the presenter of a resolution has three minutes to present the resolution, each subsequent speaker has two minutes to speak, and the presenter has two minutes to close. See House Rules, §44.2(b). In contrast, if the rules of limited debate are not invoked, the presenter has ten minutes to present the resolution, each subsequent speaker has five minutes to speak, and the presenter has two minutes to close. See id.

There are benefits and downsides to invoking the rules of limited debate. The obvious benefit is that debate on an unopposed resolution generally takes three to seven minutes—as opposed to ten or more minutes under the time limits for full debate—depending on whether there is more than one speaker and whether the presenter chooses to waive the right to close. Saving time on unopposed matters provides the House additional time to consider contested matters and other business. Further, as a practical matter, it is not possible to spend ten or twenty minutes on every debate and still finish the work of the House in eight to twelve hours.

One downside of invoking the rules of limited debate is that the proponents of a resolution have significantly less time to explain the resolution and bring attention to the important issues on which the ABA is taking a position. Both proponents of resolutions and members of the House have, at times, expressed concern that three minutes is an insufficient amount of time for the presenter to fully explain a resolution and the issues it addresses. They have also expressed concern in the significant difference in debate time provided when the rules of limited debate are invoked for some unopposed resolutions and not others.
Another downside of invoking the rules of limited debate is that the presenter does not know if the Chair will invoke the rules of limited debate until the debate begins. Therefore, the presenter is required to prepare a short version of remarks (up to three minutes) and a long version of remarks (up to ten minutes). To reduce this uncertainty, presenters have, at times, approached the Committee on Rules and Calendar in advance to ask that the Chair commit not to invoke the rules of limited debate. Some even offer not to have second or third speakers or pledge that their presenter will use less than the allotted ten minutes allowed for a full debate.

Proposed Amendment

Having considered the benefits and downsides associated with invoking the rules of limited debate, and being mindful of the need to preserve the Chair’s discretion to invoke the rules of limited debate as needed, the individual members of the Committee on Rules and Calendar propose this modest amendment to §44.2(b) of the House Rules. If this amendment is adopted, the presenter will be guaranteed five minutes to explain the resolution and the issue it addresses. This will enable presenters to better prepare their remarks and will also provide the House additional information on the unopposed resolution.

It is worth repeating that this amendment will not require the Chair to invoke the rules of limited debate. The Chair will continue to have discretion to invoke the rules of limited debate when he or she believes it is appropriate, including when the press of other business requires that less time be spent on an unopposed resolution.

Further, this amendment does not change any of the time limits for other speakers. Specifically, under the rules of limited debate, speakers after the presenter will continue to have two minutes each.

In conclusion, this modest change to the House Rules will address some of the concerns raised about the rules of limited debate while still preserving the benefits afforded by use of the rules of limited debate and the Chair’s discretion to invoke those rules as needed.

Respectfully Submitted,

Christina Plum
Aurora Austriaco
Roula Allouch
William Johnston
Tommy Preston, Jr.

August 2020