

January 17, 1995

remind, for example, some of the new members of the Legislature, of the fact that this is probably the only institution, legislative institution, in this country that doesn't have fairly strict rules about dilatory amendments or other mechanisms by which debate is limited. Most are partisan kinds of legislatures and the caucus structure and the election of leadership, leadership controls the timing of things, controls how long you speak, controls whether amendments are appropriate or inappropriate. In this body, we have none on those controls. In bodies that don't have those kinds of partisan controls, if you look at the wisdom over time, what people who have thought about this have determined over time is necessary with regards to dilatory amendments, you will find that embodied in Mason's rules of order, and you may recall that we have adopted, in this body, Mason's rules of order, rules of order for all situations where our rules do not speak to a specific point or situation and, arguably, Mason's rules of order might apply to dilatory amendments. And what Mason's rules say, and I want to reemphasize that these are rules that are made up for legislative bodies, generally, the wisdom over time, and here is what it says, every legislative body has the inherent right to protect itself from dilatory motion. Whenever satisfied that a member is using parliamentary tactics to obstruct business, the presiding officer should not recognize the member but should rule that member out of order. After having been sustained upon an appeal, the presiding officer need not entertain another appeal from the same member, while it is evident the member is trying to obstruct business. In other words, these rules find it necessary, they have found it necessary over time to empower somebody to make reasonable decisions with regard to these kinds of tactics. And what we're suggesting to you here today with this amendment is that our Speaker ought to be given some additional power to deal with these kinds of tactics, except, except we are saying that even when the Speaker makes those kinds of decisions, he is subject to overrule under this amendment by the body. Okay, so that power that we are giving the Speaker is very limited, much more limited than what the general wisdom of Mason's rules of order would indicate is probably or may be in the end necessary. The price you pay for allowing the Speaker to be overruled in each instance is that a motion to overrule will be made, a repetitive motion to overrule could be made. So this rule is not going to stop filibustering absolutely, but at least the repetitive motion to overrule the Chair on amendments makes plain to the public and to the body exactly what's happening. In another part of Mason's rules, it