

January 17, 1995

SENATOR LANDIS: Thank you, Senator Withem, members of the Legislature. I'll rise to speak once and only once on the issue. I have just a few thoughts to, I hope, contribute to the occasion and to make a confession. Senator Chambers is not alone in doing strategies of dilatory action. I, myself, have done so in the past. Over 16 years, every now and then I have pursued this strategy and have had it pursued in opposition to me as well. Let me tell you what we who have tried to obstruct the body, on occasion, do. I must tell you where we find things. First, you want to have as many amendments as possible so we can control the opening and closing of the speaking. Secondly, if we can't get it by having many amendments, we have to do it procedurally by finding breakpoints of decisions that the Speaker has to make so you then can challenge the Chair. Now if you don't file enough amendments to lose your place because you didn't plan ahead last night and write 20 amendments, then if you want to improvise it on the floor you do it by making the Speaker rule over and over again motion to overrule the Chair. When you lose that then filing motions to reconsider. It's a way of inventing a dilatory strategy on the floor with...out of thin air, if you need to. It means that when the rules are written with moving parts, breakpoints or decision points for the Speaker, every moving part is a potential place to stop the system. Now, the problem I have with the Bromm-Beutler amendment at this point is that they pursue the notion that you can write a system that has a bunch of different breakpoints in it that will catch the dilatory actor, legislator as the case may be. I don't think so. My strategy would be different. Here's what I think you do if you're going to try to attack the problem. First, you authorize the Speaker with the discretion to act in dilatory situations. You probably make sort of a general statement of what was dilatory but it would not be a binding definition that you could force the Speaker into ruling on whether it was present or not. It would be limited like, but not limited to so it wouldn't be a binding definition. You'd authorize that discretion and you give the body a one-time chance to say whether the Speaker was right or wrong in identifying this as a dilatory strategy or not, so that the body had the final say, and it would be only the Speaker. Why? Because the Speaker is the person whose discretion we choose at the beginning of every two years. As opposed to anybody else who sits in the chair, it is that person that we are saying is the right person to lead us on matters of procedure which is why only the Speaker should be invested with that because we had a chance to rule on whether we thought that