

January 17, 1995

amendment. Under our present rules, which adopts Mason's Manual of Legislative Procedure, we have a much stricter rule than what is being proposed here. On page 130 of Mason's, and I believe this was previously quoted, it says that whenever a motion is ruled to be dilatory, the presiding officer should not recognize the member but should rule the person out of order. Now that's a very harsh type rule. If you, under our present use of Mason, say to the Speaker, if you believe something is dilatory you won't even recognize the member. If that occurred to me I think I would feel that someone was prejudiced against me. Now what we've got proposed here in this version number two is really a much softer and more reasonable rule. When I first read this I thought perhaps Senator Landis, our resident champion of mediation, had drafted this because it's really a mandatory mediation rule for the Speaker. It establishes a somewhat informal process which has probably already been used in the past for the Speaker to get contending parties together and try to arrive at some resolution of whether a motion or an amendment is dilatory in fact. There certainly is nothing written in this amendment which is designed to silence anyone. It is, in fact, an amendment which should promote the discussion of the merits of the bill. I realize the word "dilatory" does not come with a built-in definition, but I've referred to Black's Law Dictionary and Webster's International Dictionary for a definition of dilatory and it uses the phrase "without touching the merits". In other words, something is dilatory not just because it delays progress, just the mere fact that delay occurs does not make something dilatory. It is dilatory if it does not touch the merits. So as long as any amendment or any motion relates to the merit of the subject, it could not be dilatory. Certainly, this concept would not enable the Speaker to silence anyone or to limit debate. Several months ago one of our leading newspapers in this state referred to the Legislature as having a short attention span. That hurt. I regret that responsible people feel that way about the Legislature. I think it hurts back to what Senator Bromm was referring to. There are many issues, I found in my first session of serving in this body, are not adequately and fully discussed. Rather than silencing anyone I believe the discretion given the Speaker by this amendment would permit the Speaker to continue relevant, substantive, thoughtful, important discussion of the issues that we have to address. So I believe that this amendment meets both the objections that have been voiced here and the concerns of the members of this body and should be adopted.