

Motion to Substitute the Bill for the Unfavorable Committee Report

The Senate has a long history of a strong Committee system. Bills are referred to Committee and when returned to the floor they are accompanied by a recommendation of the Committee that is historically is given great weight by the body.

In the history of the Senate dating back to 1963, there have been rare occasions in which a member sought to overturn the decision of a committee and return a bill to the Senate floor. The first order is to determine whether the Chairman has brought the bill to the floor (Senator Frosh is bringing the bill with him although Senate Procedure does not require Chairmen to bring unfavorable bills back to the floor unless otherwise directed by the body via procedures such as petition or Rule 43).

Next, because this motion is not contained in the Senate Rules, we therefore look to Mason's Manual for guidance. Mason's Manual provides 2 bases under which this motion would be made. First, Mason's advises that one source of rules of legislative procedure is "custom, usage and precedence". As I just stated, there is precedence in the history of the Senate of this motion being made. The motion was permitted to be made once in 1970, two times in 1977 and three times in 1978.

Secondly, Mason's enumerates types of main motions that may be made with one of these motions being a "motion to reject". A motion to "substitute the bill for the unfavorable Committee report" has the substantive effect of a motion "to reject" the Committee report on a bill.

Just as a motion to adopt the Favorable Committee Report is fully debatable as to the bill and may be filibustered, a motion to reject the Committee report by substituting the bill for the favorable report is subject to full debate on bill and the motion may be filibustered. I realize there are many members who wish to fully discuss this bill on the Senate floor and even though the motion being made is not a favorable motion on the bill itself, it is a main motion and the merits of the bill may legitimately be debated at this time.

If the motion succeeds, the bill is then subject to any motions that may be appropriately made to a bill after first reading (motion to place the bill on second reading, motion to recommit, motion to commit, etc).

There are many motions and procedures contained both in the Senate Rules and Masons Manual which are rarely if ever used in this body. In ruling that the motion is in order, I would like to make clear, I am not advocating its use any more than I would advocate the use other rare procedures such as petitions to bring bills out of committee to the floor. The Committee system serves this body well and these types of motions are rarely if ever necessary to ensure that bills which a majority of members of this body would support are placed before the full body for deliberation.

With that, I recognize the Senator from the _____ district for a motion....