

6/19/95

PROCEDURAL NOTES ON CHAIRING THE COMMITTEE OF THE WHOLE

Chairing the Committee of the Whole is easy. The subjects are limited; the procedures are straight forward; and the Chair can ask counsel to rule on almost anything that comes up as to which the Chair is uncertain what to do. There are 10 steps in every Committee of the Whole meeting; they are outlined below.

1. PLACE ON THE ORDER OF BUSINESS: The Committee of the Whole always operates under Item #10, General Orders of the Day.

2. OPENING: The Floor Leader moves to resolve into the Committee of the Whole for an announced purpose. The motion must be seconded. If the motion passes, the Convention is then in the Committee of the Whole. (Rule 31)

3. APPOINTMENT OF A CHAIR: The President appoints the Chair or serves as Chair himself. (Rule 9(f)). No action by the Convention is needed. The Chair goes to the podium and takes over the meeting.

4. OPENING OF DISCUSSION: The Chair announces the Article to be considered. (“The Committee of the Whole will now turn to Article 7: Eligibility to Vote.”) The Chair calls on the Chair of the Committee reporting out the amendments. (“I call on Chair Tomas Aldan to present the committee recommendation.”)

5. REPORT OF THE CHAIR OF THE SUBSTANTIVE COMMITTEE: The Committee Chair stands up and reads for the record the entire amendment that the Committee wants considered (no matter how long it is). The Committee Chair summarizes the reasons why the Committee wants this amendment. The Committee Chair states that the report of the Committee and the proposed language have been submitted to the Convention Secretary as required by the rules.

6. MOTION TO ADOPT AND SECOND: A member of the sponsoring committee moves to adopt the amendment that the Chair of the Committee has read for the reasons the Chair has stated. Another member of the sponsoring committee seconds the motion.

7. DISCUSSION: The Chair of the Committee of the Whole calls for discussion and recognizes delegates in turn. (“It has been moved and seconded that the amendment to Article

VII, Section 3, proposed by the Committee on Legislative Branch and Public Finance be adopted. Discussion?”)

There are a few things that can come up during discussion that require rulings from the Chair. They are:

. Limits on debate: Generally the Chair has discretion to call on anyone in any order. Usually the Chair will recognize everyone who wants to speak before responding to requests to speak twice. The actual rules are: each delegate gets to speak once (Rule 18); each delegate gets to speak for 15 minutes maximum (Rule 19); each delegate gets to respond if another delegate challenges something in his or her statement -- if one delegate speaks to an issue and some other delegate responds to the statement, the first delegate can have 3 minutes to respond. (Rule 18) These limits do not apply to the chair of the substantive committee who introduces the amendment and explains the reasons why it should be adopted.

. Keeping order: Delegates may speak only after being recognized by the Chair. They must stick to the question under consideration and “avoid personalities”. (Rule 16). If a delegate wanders off the point, the Chair should ask him or her to conclude. (“Delegate _____, we need to stick to the question being debated here. Could you finish up your remarks?”)

. Points of order: Delegates may call: “Point of Order” at some point in the debate. (No second is required. Rule 38.) The Chair should say: “State your point.” A point of order is directed only at a violation of the rules. (Rule 17). After the delegate finishes, the Chair can rule or refer the matter to counsel. (Just say: “Counsel, a ruling please.” Then after counsel speaks, say “So ordered.” and that is the ruling of the Chair.) When a point of order is made, the Chair rules and that is the end of it, unless the delegate wants to appeal the matter to the Convention. An appeal just asks the Convention to consider the question whether the ruling of the Chair should be upheld. The Convention votes, and a majority rules. (Rule 60)

. Points of privilege: Delegates may call “Privilege” at some point in the debate. (No second is required. Rule 38.) The Chair should say: “State your point.” A point of privilege is directed at the presence of a quorum, or some conduct (like loud talking in the background) or condition (like heat or cold) that is disrupting the ability of the delegates to concentrate on the debate. (Rule 42). If you have any problem with the point, call on counsel. (“Counsel, is that a proper point?” Then after counsel says yes or no, say “So ordered.”)

If the point questions the presence of a quorum, call on the Convention Clerk to read the roll and announce the number of delegates present. A quorum is 14 including at least one delegate from Rota and at least one delegate from Tinian.

(Rule 4). If a quorum is not present, you can recess for a few minutes to round up the absentees and then call the roll again. (Rule 51) If no quorum can be mustered, the Floor Leader moves to “rise” from the Committee of the Whole, and the Chair of the Committee of the Whole reports to the plenary session the loss of a quorum. (Rule 34). See Item #11 below. If a quorum is present, just go on with business.

If the point is about some conduct or condition, you may want to call a recess to take care of it. Otherwise, just have the Sergeant at Arms or a staff member do whatever is necessary.

. Points of information: Delegates may call “point of information” while another delegate is speaking. (No second is required. Rule 38) The Chair should say “State your point.” A point of information asks for a fact or clarification from the speaker that is relevant to the debate. When a point of information is made, the delegate who has been speaking usually answers it. However, the Chair may also answer.

8. SUBSIDIARY MOTIONS: A subsidiary motion is one that needs to be disposed of before the main motion can be voted on. Subsidiary motions are easy to deal with. If you don’t know what to do, call on counsel for a ruling. (Just say, “Counsel, is that proper?” and after counsel answers and explains what needs to be done, say “So ordered.”)

. Debatable and amendable: The rules on subsidiary motions try to keep things moving along. So some motions are not debatable (as soon as they are made they are voted on) and some are not amendable (the motion made must be voted on in the form it was made). Some are neither debatable or amendable.

. The 10 subsidiary motions: (Rule 40(b) and Rule 47)

(1) **For the previous question**: This calls for a vote on the pending motion. It is neither debatable nor amendable. When it is made, if the discussion is not quite finished and the Chair thinks it should go on for a little longer, ask the mover to withdraw the motion. If the mover insists, and has a second, then the Chair must go to a vote. If the motion for the previous question is approved, then the Chair must immediately put the prior pending motion to a vote. (Rule 48)

(2) **To lay on the table**: This is a way to get rid of a motion so the delegates can move on to another matter. Something that is tabled can only be reconsidered by the Convention after one day’s notice, so this is a harsh remedy. This motion is neither debatable nor amendable. When the motion is made and seconded, if the mover won’t withdraw it, the Chair must go to a vote.

(3) **To postpone to a date certain:** A delegate may say: “I move to postpone this until tomorrow.” That kind of motion is neither debatable nor amendable. When the motion is made and seconded, if the mover won’t withdraw it, the Chair must go to a vote.

(4) **To postpone indefinitely:** This motion sets the matter aside until the mover brings it up again on another day. This is debatable, but it is not amendable. When this motion is made, the Chair can call for discussion.

(5) **To limit debate:** When delegates are tired of listening to debate on a particular issue, or they expect that debate will go on for a long time, they may move to limit debate. The mover will suggest that debate be limited to 2 hours, or 1 hour, or whatever. This is not debatable or amendable. If the mover has a second and won’t withdraw the motion, the Chair must call for a vote.

(6) **To call for the orders of the day:** When the Convention moves into the Committee of the Whole, it does so to consider specific articles of the Constitution. If the discussion wanders off into other areas, a delegate can call for the orders of the day. That is a motion to get back on track and stop discussing things that are not related to the amendments scheduled for this day. This is not debatable or amendable. If the mover has a second and won’t withdraw the motion, the Chair must call for a vote.

(7) **To send back to Committee:** If a delegate thinks that a particular amendment needs more work in the substantive committee (where it came from) before the discussion in the Committee of the Whole goes forward, a motion can be made to send the amendment back to committee. This is debatable but not amendable. The debate may center around the instructions to the substantive committee as to what it is supposed to do. If the mover has a second, after the debate, the Chair must call for a vote.

(8) **To fix a time to adjourn:** This is a motion to end the session. It is both debatable and amendable.

(9) **To amend:** This is the most common motion. It is made when the mover thinks he or she has a better idea. The amendment must be germane to the main motion -- it cannot be on a different subject matter. (Rule 45) A motion to amend is both debatable and amendable. If the mover has a second, then the debate moves from the main motion to the motion to amend. When the debate on the amendment is completed, there is a vote on the motion to amend first, and then, depending on the outcome of that vote, there may be a vote on the main motion (either as amended or as originally put).

(10) **For division of the question:** When a delegate thinks that the proposal has two or more parts that should be considered and voted on separately, the delegate may move for a division of the question. (Rule 47) This is neither debatable nor amendable. If the mover has a second, and won't withdraw the motion, the Chair must call for a vote. If the motion is successful, and the question is divided, all the divisions are discussed before any of them is put to a vote. After discussion, each division is put to a vote separately.

9. **VOTING:** All voting in the Committee of the Whole is done by majority vote. (Rule 5, 6)
The Chair has an option to use:

- . Aye and nay (use when discussion indicates a fairly large majority one way) (Rule 59(a))
- . Show of hands (use when the majority is in doubt)
- . Roll call (use when there is a particularly difficult issue or very close vote) (Rule 59(b))

For an aye/nay vote, the Chair simply declares the result. ("Motion passes.")

For a show of hands vote, call on the Convention Secretary to count or conclude which way the majority has gone.

For a roll call vote, call on the Convention Clerk (Alicia Guerrero, who is sitting at the desk in front of you) to call the roll and announce the result.

10. GOING BACK TO PLENARY SESSION

After all the amendments scheduled for this session of the Committee of the Whole have been voted on (or at any time during the session) the Floor Leader moves for a rising of the Committee of the Whole. The motion needs a second. This motion is not debatable, and is voted on immediately after the second.

If the motion passes, the Chair comes back to a regular seat on the floor, and the President takes the podium again.

The President calls on the Chair of the Committee of the Whole to report. The Chair of the Committee of the Whole then summarizes the amendments that were voted on affirmatively while the Committee of the Whole was in session. Make a report as if the reader of the Daily Journal for the plenary session did not have available any record of the Committee of the Whole. Technically, they are separate. (For example: "Mr. President, I am pleased to report that the Committee of the Whole voted affirmatively on the amendments of Article VII: Eligibility to Vote, as reported out by the Committee on Legislative Branch and Public Finance. No amendment was made to the language recommended by the Committee." (Rule 32)

The President then goes on to #11 on the agenda, which is Miscellaneous Business (delegate speeches) and Announcements.

OTHER THINGS THAT MAY COME UP:

(1) Unauthorized persons on the floor: If people other than the delegates, consultants, and staff are wandering through the floor during a session, just ask them to leave. Rule 8 allows only authorized people on the floor.

(2) Motions in writing: Some delegates may present the more complicated motions in writing. If that happens, and a delegate has something to hand out, just direct the delegate to the Convention Secretary. The delegate or the Convention Secretary can then read the written motion aloud. (Rule 37)

(3) Requests to withdraw motions: The mover of a motion can withdraw it any time before being amended or put to a vote. (Rule 39). Withdrawing a motion does not require a second. (Rule 38)

LIST OF MOTIONS

The following is a list of the more common questions or motions, arranged according to the usual classification, in the order of their precedence in relation to main motions.

Privileged Motions

1. Call of the house.
2. To make, or to give notice of, a motion to reconsider (usual precedence established by rule).
3. To adjourn.
4. To recess.
5. Questions of privilege.
 - (a) Privilege of the house
 - (1) Presence of members. (When a quorum is present, a call ranks as a question of privilege.)
 - (2) Organization of the house.
 - (3) Comfort of the members.
 - (4) Freedom from disturbance.
 - (5) Disorderly conduct of members.
 - (6) Conduct of officers or employees.
 - (7) Conduct of reporters or the press or the accuracy of published reports.
 - (8) Accuracy of the journal and records of the house.
 - (b) Personal privilege
Questions relating to the reputation or conduct of members in their representative capacity.

Incidental Motions

6. Appeals.
7. Points of order.
8. Parliamentary inquiry and like requests for information.
9. Orders of the day.
10. Requests or motions for leave to withdraw a motion or question which is under consideration.
11. Suspension of rules for some immediate purpose.
12. Objection to consideration of a question.
13. Manner or order of consideration of questions.
14. Motions relating to voting.
15. Motions relating to nominations and elections.
16. Motions relating to division of a question.

LIST OF MOTIONS

Subsidiary Motions

17. To lay on the table (postpone temporarily).
18. The previous question (vote immediately).
19. Close, limit or extend limits of debate.
20. Postpone definitely or to a certain time.
21. To refer or commit.
22. To amend.
23. To postpone indefinitely.

Main Motions

24. The main motion.

The main question presents a bill, resolution or other substantive proposition, for the passage, adoption, approval or rejection.

Incidental Main Motions

The following motions, though they have procedural elements, have the principal characteristics of main motions and take precedence in the same order.

25. To consider motion to reconsider.
26. To rescind.
27. To dissolve or adjourn sine die when no hour has previously been fixed.
28. To fix the time for final adjournment or adjournment sine die.
29. To fix a different time to which to adjourn when a regular time is fixed.
30. To fix the time at which or to which to recess.
31. To withdraw a bill from committee or discharge the committee.
32. To take from the table.
33. To take from desk.
34. To lay aside or pass on calendar.
35. Motion to change the order of consideration of questions not then under consideration.
36. To withdraw papers not under consideration.
37. To suspend the rules with reference to business not immediately pending.
38. To close debate in committee of the whole.
39. To expunge.
40. To consider petitions when no other provision for consideration of petitions is made by rules.

See Chapter 18, Sec. 187.

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