

How A Proposition Is Adopted

VI. COMMITTEE ON STYLE AND DRAFTING

When the motion to place the measure on third reading is adopted, the proposition goes to the Committee on Style and Drafting. It is the responsibility of this committee not in any way to change the basic thrust of the proposition but to make certain that it conforms with the language and format of the Constitution as the same is being developed. In other words, it would not be desirable for entirely different usages and styles to be used in different sections of the Constitution depending on the individual authors of the various propositions. The Committee on Style and Drafting has no power to change the actual provisions of the proposition but only to make certain that it conforms grammatically and stylistically with the Constitution being drafted by this body as a whole. When these stylistic changes have been made, the proposition is reprinted and automatically goes to third reading at the next plenary session of the Convention following action by the committee.

VII. THIRD READING

Items on third reading are given a third reading (by title only) by the recording secretary when that item on the agenda is reached. After the reading, the propositions are voted upon by roll call and they are not individually debated unless a majority of the members present at roll call permits debate. It is very important at this point that the author of the proposition as well as the committee chairman who moved it along toward final passage review the work of the Committee on Style and Drafting to make certain that no basic changes in the tenor and content of the measure have been made. If the committee or the sponsor feels that such changes have been made, then the appropriate motion would be to open up the measure for debate on third reading to straighten out any such style problem.

VIII. PASSAGE AND INCORPORATION

Assuming that the version of the proposition being voted on is agreed to, and the proposition receives a majority vote on roll call, it will be incorporated into the Constitution being drafted by the Convention. This does not necessarily mean that the subject matter of the proposition can no longer be debated by the Convention. Under the rules, nothing prevents a latter proposition on the same subject matter being introduced, considered by committee, and then acted upon by the delegates. However, if a second proposition proposes a basic change in subject matter of a proposition already passed, it would be the duty of the chairman of the committee hearing the second proposition to make it clear that its passage would change an enacted proposition so that if the second proposition is favorably acted upon, there will not be two provisions in the Constitution in conflict with each other. Therefore, in order to avoid this type of problem, the councils and committees are urged to maintain the agreed schedule of reports so that the Constitution can be drafted in an orderly fashion.

Attached is a chart recapitulating the foregoing.

IV. ACTION BY EXECUTIVE COMMITTEE

When the report from the committee setting forth its recommendations with respect to a proposition is received by the president, the same is read by the recording secretary under that item on the agenda entitled "Reports of Committees". This report together with the proposed action on the proposition is then on the agenda of the next meeting of the executive committee. The executive committee reviews the report and the proposition and determines when this particular proposition will be reported out for second reading. Additionally, the executive committee can also recommend amendments to the proposition in the course of reporting it out. Assuming it wishes to report a proposition out for action on second reading, it prepares a letter to the president of the Convention, just like any other committee, reporting the action of the executive committee on the proposition, i.e., whether it recommends its passage and whether it recommends any particular executive committee amendments. This report also contains the vote of the members of the executive committee on this particular action, and the decision of the executive committee as to what session day the proposition will be considered on second reading before the Convention.

V. SECOND READING

As a matter of practice, the executive committee will ordinarily put propositions on second reading for the same day that its report thereon is read but this is not absolutely required by the rules. However, usually on the same day that the executive committee's report is read by the recording secretary, under the agenda item "Committee Reports", when that part of the agenda entitled "Propositions on Second Reading" is reached, those propositions contained in the executive committee's report for that day are debated by the Convention delegates in the order in which they are reported out by the executive committee. During the debate, the first decision to be made by the members of the Convention is to accept or reject the recommended committee amendments. Assuming the committee amendments are accepted, the Convention then debates the proposition as amended by the committee or committees. Any delegate during the course of the debate can recommend additional amendments and the proposition can be referred back to the committee for further study, or can be referred to a second committee for study on a particular area, can be laid on the table, action thereon can be postponed indefinitely, or various parliamentary actions can be taken that do not contribute directly to the final passage of the proposition. Assuming debate has been exhausted and the delegates agree on the ultimate fate of the proposition, the appropriate step is to adopt a motion referring the same as amended to third reading.

I. PROPOSITION DRAFTED

Any delegate can draft a proposition and present the same to the executive director, or he can request counsel to prepare the same, in either of which events, when the proposition has been drafted and given to the executive director, the latter makes certain the same has an adequate title, utilizing counsel for this purpose if necessary, and gives the proposition in the order received to the recording secretary.

II. PROPOSITION INTRODUCED

At the next plenary session of the Convention, the recording secretary gives the proposition a number in order of its receipt by her and at the item of the agenda entitled "Introduction of Propositions", reads the title of the proposition, recites its author or authors, and advises as to which committee or committees the proposition has been referred. This takes care of first reading and the proposition is now in the mill.

III. STANDING COMMITTEE ACTION

Once the proposition has been referred to a standing committee, the committee then schedules either public hearings thereon or other consideration by the committee itself. (Unless the committee's own rules otherwise provide, public hearings are not a prerequisite to committee action on propositions referred to committee.) The action that a committee can take on any one proposition are:

1. To recommend passage of the proposition without change;
2. To recommend passage of the proposition with committee amendments thereto, either substantial or insignificant;
3. To recommend against passage of the proposition;
4. To take no action and leave the proposition in committee.

Assuming that a committee wishes favorable action on a proposition, it directs counsel to prepare any amendments to the proposition its members have agreed on, together with the committee report, which report should lay out the action the committee took; i. e., whether a hearing was held thereon, if so, what witnesses appeared and what their testimony was, and finally if so, what witnesses appeared and what their testimony was, and finally describing what action the committee took and why. Any member of the committee who disagrees with the decision of the committee on the proposition can have prepared a minority report setting forth views and arguments. The committee report, together with any minority report and the proposed amendments to the proposition must be attached to a letter that the committee then addresses to the president of the Convention which reports the recommendation of the committee on the proposition and the votes or such recommendation.