

## SECTION G

### THE LEGISLATIVE PROCESS

#### CHAPTER TWO

##### PRIVATE MEMBERS' BILLS – THE PRELIMINARY DEBATE

Submission of a private members' bill, its approval and its laying on the Knesset table (Amendment No. 117)

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- (a) A Member of the Knesset, who is not a Minister or a Deputy Minister, is entitled to submit a private members' bill. The Bill shall be drafted in accordance with the law, and words of explanation shall be attached to it.
  - (b)
    - (1) A bill may be the initiative of several Knesset Members, and they shall determine the order of their names on the Bill.
    - (2) The initiator of a bill is entitled to add additional Members of the Knesset to his Bill, and he shall determine the order of their names on the Bill. The names of those who have joined shall be mentioned separately from the names of the initiators.
    - (3) Once the Bill has been laid on the Knesset table, the order of the names of the initiators, and of those who have joined shall not be changed (in this section – the proposers of the Bill)
  - (c) Any request or announcement relating to a private members' bill shall be submitted by one of the initiators.
  - (d) A Member of the Knesset who has submitted a bill, knowing that an identical or basically similar bill has already been submitted on the same matter, whether in the same Knesset or in a previous Knesset, shall mention the fact in the words of explanation to the Bill.
  - (e) A private members' bill shall be brought for the approval of the Knesset Presidium. The Knesset Presidium shall not approve a bill that in its opinion denies the existence of the State of Israel as the state of the Jewish People, or is racist in its essence.<sup>1</sup>

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<sup>1</sup> (1) The authority of the Speaker of the Knesset and the Deputies is an authority of discretion. The goal of the examination by the Speaker of the Knesset and the Deputies is to serve as an apparatus of oversight and filtering that shall refer for placing on the Knesset table those Private Members' Bills that correspond with the framework of the law. This examination covers, first and foremost, matters of form. Is the Bill made up of articles, and does its wording correspond to the framework of the law. The Speaker and the Deputies are authorized also to examine the content of the Bill. They must examine whether it lays down a norm, and whether it involves a normative message rather than a factual text. They are also authorized to examine the style of the Bill, so that it corresponds to that of legislation, and that it does not include profanities, slander and insults. What it described above is but an example

- (f) Once the Knesset Presidium has approved a bill, a serial number, and the number of the Knesset shall be noted on it, as well as its being a private members' bill, and it shall be laid on the Knesset table.
- The time of the preliminary debate and attachment (Amendments Nos. 117 & 120)
76. (a) At the designated Knesset sitting, as stated in article 25(d), a preliminary debate shall take place on private members' bills, within the framework of a parliamentary group quota that the House Committee shall determine on the basis of article 99.
- (b) The Speaker of the Knesset is entitled to decide that in addition to the preliminary debate on private members' bills as stated in clause (a), a preliminary debate shall take place on private members' bills at a sitting to mark a certain issue, as long as the Government has announced in a written notice by the Government Secretary to the Secretary General of the Knesset, that it supports them, or that it agrees that they should be debated in that sitting. The Speaker of the Knesset is entitled to decide that the bills, on the basis of this clause, shall not be counted among the Bills on the basis of article 99.
- (c) The preliminary debate shall not take place before 45 days have elapsed from the day on which the bill was laid on the Knesset table. With regards to this matter the day on which the Bill is laid on the Knesset table, and the day it is voted on, shall be counted.
- (d) Despite what is said in clause (c), the preliminary debate can take place before 45 days have elapsed from the day on which the Bill was laid on the Knesset table, in one of the following circumstances:
- (1) The Government has announced in a written notice by the Government Secretary to the Secretary General of the Knesset, that it supports the Bill, or that it does not intend to take a position with regards to it, or that it agrees that it shall be debated at an earlier date;
  - (2) The House Committee has decided to shorten the period of the laying down, as stated in the initial clause, based on the request of the initiator of the Bill, to which a draft of the Bill has been attached, if it has been convinced that the Bill is of importance or urgency, and that during the vote at least a third of the permanent members of the House Committee were present;
  - (3) The preliminary debate on the Bill was attached to a debate on another bill, on the basis of clause (e).

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of the oversight and filtering authority of the Speaker of the Knesset and the Deputies. The authority does not include the power not to approve a bill due to a reservation, even of the strongest sort, regarding the socio-political content of the Bill (HCJ 742/84 Kahane v. the Speaker of the Knesset)

- (e) At the request of the initiator of the Bill, the Secretary General of the Knesset shall attach the preliminary debate on the Bill ( in this section – the Attached Bill) to the Preliminary Debate or to the First Reading of another Bill (in this section – the Original Bill), even if this constitutes a divergence from the weekly quota, as stated in article 99, should all of the following take place:
  - (1) The Attached Bill is identical or basically similar to the Original Bill;
  - (2) The Attached Bill was placed on the Knesset table for at least two weeks before the date of the debate, or for at least the same length of time that the Original Bill was placed.
- (f) The request for the attachment shall be submitted to the Secretary General of the Knesset by the end of the debates in the Plenum, on the day on which the agenda for that week was published, or on the day on which the Original Bill was added to the agenda.
- (g) The initiator of the Attached Bill is entitled to retract from his request for attachment, as long as he has not yet explained the Bill on the basis of article 77(a).
- (h) A preliminary debate shall not take place on a bill that is identical or basically similar to another bill before six months have elapsed from the day of the Knesset's decision as elaborated below, with regards to the other Bill, unless the Speaker of the Knesset has decided upon the request of the initiator of the Bill, to shorten the said period, if he has found that a real change in the circumstances has taken place:
  - (1) The Bill was removed from the Agenda in the Preliminary Debate or in First Reading;
  - (2) The Bill was removed from the Agenda as a result of a committee's proposal, on the basis of article 94;
  - (3) It was decided that the subject of the Bill shall be deliberated in a committee as a motion for the agenda.
- 77. (a) One of the initiators of the Bill shall explain the Bill on the basis of these provisions, based on the circumstances:
  - (1) Within a time limit that shall not exceed ten minutes;
  - (2) With regards to an attached bill – within a time limit that shall not exceed three minutes;
  - (3) Should the Government announce in a written notice by the Government Secretary to the Secretary General of the Knesset, that it supports the Bill, or that it does not intend to

The procedures for the Preliminary Debate (Amendments Nos. 117 & 120)

take a position with regards to it, and the initiator has explained it from the designated location in the Plenary Hall - within a time limit that shall not exceed one minute, and the Bill shall not be counted as one of the Bills on the basis of article 99. Once the initiator has explained the Bill within a time limit of one minute as stated, the initiator of the Attached Bill shall also explain his Bill within the same time limit, and the provisions of this paragraph shall apply to the Attached Bill.

- (b) The explanation of the Attached Bill shall be immediately after the explanation of the Original Bill, and before the vote on it.
- (c)
  - (1) Following the explanation on the basis of clause (a), a minister, or a deputy minister for affairs of the Ministry in which he serves, is entitled to express the position of the Government with regards to the Bill, within a time limit that shall not exceed ten minutes, and he is entitled to express the position of the Government on several Bills on a similar subject, together.
  - (2) A minister or a deputy minister, as stated in paragraph (1), is entitled to announce, with the consent of the initiator of the Bill, that the position of the Government, as stated in that paragraph, shall be submitted at a later date. Should a notice be submitted as stated, the voting shall take place on the Bill, on the basis of the request of the initiator, in the Knesset sitting designated for this purpose, as stated in article 25(d), or in another sitting in which it shall be attached to a debate on another bill.
- (d) Should the Government support the Bill, or should it refrain from taking a stand with regards to it, as stated in clause (c)(a), one of the Knesset Members, who is present in the plenum, as determined by the chairman of the sitting, is entitled to propose to remove the Bill from the agenda, and explain his objection to the Bill within a time limit that does not exceed three minutes. Should one of the Knesset Members be given the floor in order to explain his objection to the Bill, but supported it in his speech, the Chairman of the sitting shall stop him, and give the floor to another Member of the Knesset, who wishes to object to the Bill.
- (e) Should the Government or one of the Knesset Members object to the Bill, the initiator of the Bill, as well as the initiator of the Attached Bill, if it exists, is entitled to answer within a time limit that does not exceed three minutes. The initiator of the Original Bill is entitled to request that the subject of the Bill shall be deliberated in a committee as a motion for the agenda.
- (f) Despite what is said in article 31, the Chairman of the sitting is entitled to give the floor to an additional minister, speaking in the name of the Government, or to a deputy minister for affairs of the

Ministry in which he serves, at any stage of the preliminary debate, and before the voting has begun, within a time limit that does not exceed five minutes, as long as the initiator of the Bill has given his consent.

- (g) (1) At the end of the debate the Knesset shall decide whether to approve the Bill or to remove it from the Agenda, and to the matter of putting off the voting, the provisions of article 35 shall apply. Should a preliminary debate on another bill be attached to the preliminary debate, the Knesset shall take a decision on it, as stated, in a separate vote that shall take place immediately.
- (2) Should the initiator of the Bill request that the subject of the Bill should be deliberated in a committee as a motion for the agenda, the Knesset shall decide whether to approve his request, or remove the Bill from the Agenda. Should the Knesset approve the request, the subject shall be deliberated in a committee as a motion for the agenda, and with regards to determining the Committee, the provisions of article 78 shall apply, with the necessary adaptations.
- (3) Should the initiator of the Bill make a request as stated in paragraph (2), and should the Bill be attached to a debate on his Bill, the following provisions shall apply:
  - (a) Should the initiator of the Attached Bill agree that the Bill shall be deliberated in a committee as a motion for the agenda – the Knesset shall take a decision with regards to the Original Bill and the Attached Bill in a single vote;
  - (b) Should the initiator of the Attached Bill fail to agree that the Bill should be deliberated in a committee as a motion for the agenda – the Knesset shall take a decision with regards to the Original Bill, as stated in paragraph (2), and later on with regards to the Attached Bill, in a separate vote that shall take place immediately.
- (h) The initiator of a bill is entitled to authorize another Member of the Knesset with regards to the provisions of this article.
- (i) Should the initiator of the Bill be absent from the Plenary Hall when he is required to explain the Bill, and he has not authorized another Members of the Knesset to explain it, his right to explain the Bill at another date shall not be held, and the Bill shall be counted among the Bills on the basis of article 99. However, should the Speaker of the Knesset find that the absence was justified, he is entitled to enable the Member of the Knesset to explain the Bill at another date.

Determining a committee for deliberation of a bill after the preliminary Debate (Amendments Nos. 117 & 120)

78. (a) Should a bill be approved in the Preliminary Debate, the Chairman of the sitting shall announce to which Committee, permanent or for a specific matter, it shall be referred for deliberation.
- (b) Immediately after the announcement as stated in clause (a), any one of the Knesset Members is entitled to propose, without an explanation, that the Bill should be referred to another Committee, and he is entitled to propose that it should be referred to a joint committee. Should such a proposal be made, the House Committee shall determine the Committee that shall deliberate the Bill, and the Bill shall be referred to it after the Chairman of the House Committee has informed the Knesset about the decision of the Committee. Should the House Committee decide that the Bill shall be deliberated in a joint committee, it shall determine its make-up in accordance with the provisions of article 110.
- (c) (1) The House Committee is entitled to propose to the Knesset to refer a bill from the Committee to which it was referred as stated in clause (a) or (b) for deliberation in another Committee, should one of the following request this: the initiator of the Bill, the Chairman of the Committee determined as stated, or the Chairman of a committee who believes that the topic falls within the competence of the Committee which he heads.
- (2) The House Committee shall deliberate the request as stated in paragraph (1), as long as the Committee that was determined did not begin its deliberations on the Bill before the request was submitted to the House Committee, unless the Chairman of that Committee has consented to this.
- (3) Should a request be submitted to the House Committee as stated in paragraph (1), the Committee that was determined shall not deliberate the Bill. The House Committee shall deliberate the request and take a decision in one of its two following meetings, and during recess – within two weeks, unless the Chairman of the Committee determined agreed that the date of the deliberation in the House Committee shall be postponed.
- (4) Should the House Committee decide to propose to the Knesset that the Bill should be referred for deliberation to another committee, the Chairman of the House Committee shall present the decision to the Knesset, and the Knesset shall decide, without debate, whether to approve it.