

# The Role of Working Bodies of Parliaments in Legislative Procedures

Jelena Trajkovska-Hristovska

*“Ss. Cyril and Methodius” University, Skopje, NORTH MACEDONIA*  
*Faculty of Law “Iustinianus Primus”*

Received: 26 October 2022 ▪ Revised: 17 December 2022 ▪ Accepted: 26 December 2022

## *Abstract*

The demand for rationalization of the work of parliaments and their greater efficiency leads to an increased activity of their working bodies. In the modern world, the task and the role of the working bodies of parliament (committees and commissions) in the legislative procedure is very important. As part of the structure of the modern parliaments, the working bodies are competent to carry out procedures that precede the enactment of the submitted legislative proposal (bill). The work of the working bodies (committees and commissions) in the legislative procedure covers the review of the proposed law and its amendments from the aspect of their purposefulness and from the aspect of fulfilling the formal requirements that the bill should fulfil, giving opinions and suggestions about the proposed solutions in the legislative proposal, and submission of amendments in order to improve the legal text. This paper will elaborate on the position and role of the working bodies in the legislative process in the USA, the United Kingdom and Switzerland. A special review will be given to the types of working bodies involved in the legislative process in the parliaments of the aforementioned countries, their manner of work and their influence in the improvement of the bill.

**Keywords:** committees, boards, bill, legislative procedure, parliament, public hearings, mark up sessions.

## 1. Introduction

The demand for rationalization of the work of parliaments and their greater efficiency leads to an increased activity of their working bodies. As part of the structure of the modern parliaments, the working bodies are competent to carry out procedures that precede the adoption of the submitted bill. In this manner, bills are being considered during the sessions of the working bodies, that will further be subject to analysis, debate and amendments in one of the legislative readings of the parliament. The work of these sessions should enable consideration and resolution of all controversial issues and dilemmas or offer alternative solutions to the bill that is in procedure.

If we take into account the powers of the working bodies in the legislative procedure, they usually can be classified into:

- Legislative committee, which is responsible for reviewing the formal side of the bill. The basic function of this working body is to determine whether the bill or the submitted amendment meets the formal criteria. In this manner, this legislative

committee determines whether the bill complies with the constitution, whether there is a constitutional basis for its enactment, whether it was submitted by an authorized proposer, whether it was submitted in an appropriate form and whether it contains all the necessary elements.

- The specialized working bodies are the second group of working bodies that are formed for a specific area within the competence domain of the parliament. The content of the bill which is in the procedure is considered, analyzed, supplemented and amended in these working bodies. Their work usually begins with determining the purposefulness of the proposed legislative solutions, and then continues with analysis, discussion and determination of concrete measures and instruments provided by the law. During the sessions of these working bodies, alternative solutions and measures can be offered. It is being said that the bill which is in the procedure at this stage of the procedure, is subject to a detailed analysis and it is reviewed “article by article” in order to improve the proposed legal text.

In this manner, the work of the working bodies qualitatively affects the work of the parliaments. In order to achieve this, the parliaments in the modern systems try to fulfil several factors. These include: efforts to establish specialized bodies for concrete areas; the members in the working bodies should be selected from the MPs in accordance with their competences, education and expertise; participation of the professional and expert public in the sessions of the working bodies, which can contribute to the efficient implementation of the activities for which these bodies have been formed.

Modelled in this way, the legislative procedure, in which the role of the working bodies is extensive and important, enables the fulfilment of two basic goals. On the one hand, it approaches the ideal of creating a “legally perfect” law, and at the same time it rationalizes the work of the legislative body, which is also evaluated as being more efficient in its action.

## 2. The role of the Committees of the United States Congress in the legislative process

### 2.1

The review of the submitted bill by the committees in the US Congress represents a very significant stage in the legislative procedure. The so-called second “reading” of the concrete legislative proposal (Bill) begins with the work of the congressional committees. Although the future of the submitted legal proposal is uncertain during the entire legislative procedure, this stage has been considered to be very important since the implementation of all subsequent stages of the procedure depends on the report of these “small legislators”.

Woodrow Wilson said about congressional committees: “Congress in session is a Congress on public exhibition, whilst Congress in its committee rooms is Congress work.”<sup>1</sup> This statement of his corresponds to the true picture of the implementation of the legislative process in the US Congress.

Namely, in the attempt to perceive the significance of the committees, one must start from the functions of the Congress. The committees represent a microcosm of the American Congress, as they completely take over the functions of the chambers of the Congress.<sup>2</sup> That is why

---

<sup>1</sup> Willson, Woodrow, *Congressional Government – A study in American Politics*, Dover Publications, New York, 2006, p. 82.

<sup>2</sup> Starting from the goals the members of the committees want to achieve by working in the congressional committees, these working units of the Congress are classified into: Voters Committees, Policy Making Committees and Prestige Committees. The committees of each of these groups establish and practice their

it is said that their function in the legislative procedure is not at all simple and includes the study, classification, preparation, amendment and supplement, as well as selection of those bills for which a report will be prepared. Today, the committees of the Congress represent true “small legislators,” especially considering that the bills that will pass the committee and subcommittee stage, have a good chance of becoming a law.<sup>3</sup>

## 2.2

The actual consideration of the bill takes place in one or more committees of the Congress. Unlike in the past, when the speaker of the House of Representatives could forward the proposal to any committee, including the one that would surely “freeze” it, today this procedure is mostly automatic, since the content of the submitted bill is determined by the committee to whom the proposal will be forwarded. Namely, although the speaker has the discretionary power to determine which committee will be competent to work on the bill, especially when it comes to complex legislative proposals that affect several areas, today this issue is mostly decided by the members of the House of Representatives.<sup>4</sup> If the issue remains undecided, the Speaker or the

---

own principles of work. So, in the work of the committee as a whole, the members of the Voters Committees (Agriculture Committee, Small Business Committee, Science and Technology Committee, Public Services and Transport Committee) are guided by the principles of reciprocity and mutual non-interference in the work and competences of the subcommittees. These committees try to reach a consensus when deciding on a concrete bill. Policy Making Committees (Energy and Commerce Committee, Foreign Affairs Committee, Banking, Housing and Urban Affairs Committee) are responsible for issues that are very subtle and often conflicting, so they rarely apply the principles of reciprocity and non-interference in the work of the subcommittees. Their members, in the decision-making process, do not expect to reach a broad agreement regarding the presented reports and recommendations of the sub-committees regarding a concrete legislative proposal. Therefore, decisions are usually made by reaching a simple majority. Prestigious committees (control committees) are responsible for a large number of important groups of issues. These committees (Budget Committee, Rules Committee, Finance Committee) strive to adhere to the rules of reciprocity and non-interference in the work of the sub-committees, however, it is sufficient to achieve a simple majority in the decision-making procedure for accepting the legal proposal.

<sup>3</sup> The US Congress has the most powerful committees in the world. Their power comes from the special powers they exercise, the permanent membership and the unreserved support they have as their funding. Their role in the legislative process is crucial. Namely, in the congressional committees, many legislative proposals will be completely amended, and some of them will not see the light of day and will remain frozen precisely in the Congress committees. See: Hejvud, *Politika* [Politics]. Clio, 2004, Beograd.

<sup>4</sup> Thomas Griffin Reed and his “successor” Joseph Gurney Cannon are one of the most outstanding speakers in the history of the American Congress. They will be remembered by the “steel” implementation of the rules in the House of Representatives and the use of powers of the presidential office in favour of the party holding the majority in the legislative chamber. Namely, Thomas Reed (often named by his opponents as “Tsar Reed”), who was elected speaker in 1889, first assumed the authority to appoint members and presidents of committees (Reeds Rules of Procedure), and especially the so-called Rules Committee whose competence is deciding which legislative proposals will be placed on one of the calendars for discussion and decision-making at the plenary session. Joseph Cannon, on the other hand, widely used the powers to stop the legislative process on the legislative proposals that he did not like, to punish the members who opposed him and even to refuse to give a word to those who requested it. Most often, he used the powers to determine the agenda of the house, to forward the legislative proposals to certain committees, to sit with the Rules Committee and thus to fully influence the legislative process. Today, the term “canonism” is often used as a synonym for the arbitrary use of the speaker's powers. For more see: Welch, Gruhl, Steinman, Comer, Ambrosius, M., Rigdon, M. *Understanding American Government*. West Publishing Company, 1995, p. 298, 299.

majority of Senate leaders acts upon it<sup>5</sup>. However, the problems regarding the determination of the competent committee that will work on a specific bill are constantly relevant. A dilemma regarding the nature of the legislative proposal will arise whenever it encompasses several different, complex and cross-sectoral issues (omnibus legislation). In such a case, a permanent committee will rarely be appointed, which will be competent to review all issues from the content of the legislative proposal. Therefore, the proposal is submitted to at least two congressional committees, thus making the procedure for passing the law twice complicated and difficult.

The legislative proposal is submitted to the competent committee, it is then forwarded to one of the subcommittees working within the congressional committee.<sup>6</sup> At the beginning of their work related to the concrete bill, these bodies organize the so-called “public hearings” to which the proposer of the law is summoned, as well as all other persons who are in some way interested in the adoption of the law or are against its adoption. At these public hearings, a large number of interested entities are enabled to present and justify their opinion in favor or against the bill in question. They clarify all unclear issues, demonstrate the need for the enactment of the law, and the opponents of the proposal are given the opportunity to raise objections. Besides the proposer, representatives of the executive bureaus, experts and representatives of pressure groups are most often invited to these public hearings.<sup>7</sup> William J. Keefe says about the public hearings: “They represent an excellent opportunity to get to the facts, to hear all sides, to present the solutions provided for in the bill and the consequences of their implementation, as well as to inform the representatives about the wishes of the citizens.”<sup>8</sup>

In addition to holding public hearings that allow the interested parties to voice their opinions in favor or against a bill, congressional subcommittees hold another type of meeting where the text of a bill is being considered in detail. The meetings of the members of the subcommittee where the text of the submitted bill is discussed and where it will be subjected to amendment or supplement are marked as mark up sessions. A real selection of the proposals takes place in this phase. Only the bills that will obtain the consent of the members of the subcommittee have the privilege of being considered by the congressional committee. It is said that today more than ever, subcommittees are the center of the legislative action.

If the bill exceeds the stage of its view by the sub-committees, it is then brought back to the competent board for reconsideration. At this stage, the committee may hold a public hearing, but most of the time it takes into account the report of the subcommittee and based on the comments in it, starts the decision making process. The decision-making process takes place

---

<sup>5</sup> LeLoup, T., *Politics in America – The ability to govern*. St Paul West publishing company, 1989, p. 296.

<sup>6</sup> The formation of committees and subcommittees in the American Congress is a process that follows the overall decentralization of the American politics. The principle of separation of powers, the problem of the Congress to monitor the work of the executive, and the relatively weak party organization in the Congress contribute to the formation of a strong and relatively independent committee system. See: Keefe, Ogul S. *The American legislative process-Congress and States*. Prentice-Hall Inc., New Jersey, 1964.

<sup>7</sup> The National Farmers Union, the Organization of Representatives of Various Sectors of Industry, the Chamber of Commerce, the Organization of Railroad Workers, various professional associations of doctors, lawyers, architects, the Military Veterans Organization (American Legion), women's organizations, consumer organizations, etc. are among the most influential and well-known pressure groups (lobbyist) in the American Congress. These groups are often the real initiators of the enactment of separate laws, while members of the Congress appear only as formal proposers of the law. After the Second World War, In order to limit the possibility of abuse of the activities of these groups, an obligation was introduced for these groups to register themselves in one of the congress chambers and to provide information about their financing, as well as about their expenditures and revenues. See: Јовичиќ. Уставни и политички систем. Београд, 2006, p. 141.

<sup>8</sup> Keefe, Ogul S., *The American legislative process-Congress and States*. Prentice, p. 181.

at a closed committee meeting and can last a long time. There are several different alternatives for the committee to consider when deciding the future of the bill. Namely it can:

- decide to support the proposal in its entirety;
- decide to support the proposal only if certain amendments or supplements are made;
- decide to prepare a completely new and completely different proposal himself;
- reject the proposal.

Some data show that almost  $\frac{3}{4}$  of the total number of submitted bills remain “frozen” during the decision making process of the congressional committees. No report is prepared for them that could be considered in the plenary session of the respective congress chamber. This phenomenon is the result both of the large number of insignificant and senseless proposals that are submitted to the Congress, as well as the fact that the members of the committees guided by their will and convictions have the opportunity to freeze the legislative proposal even when it is a useful proposal<sup>9</sup>.

There is a possibility that the bill that did not secure the consent of the congressional committee will still be presented at a session of the House of Representatives. A written petition supported by more than half of the members of the House of Representatives (discharge petition) is a way to achieve this. The history of the US Congress knows cases when the Rules Committee refuses to distribute the bill for consideration in a session of the House of Representatives. This essentially means that the bill has been frozen. Therefore, the supporters of the proposal in such a case have no choice but to resort to the use of this petition by securing at least 218 signatures of the members of the House of Representatives, thus ensuring the passage of the bill and its review in a session of the House in a few days. These petitions are rarely successful but give more power to the individual at the expense of the leaders and committee chairs.

The way in which decisions are made in congressional committees is different. Some committees try to reach a general agreement by their members to ensure the passage of the proposal in the next stage of the legislative procedure, while some of them make the decision by a simple majority.<sup>10</sup>

Decisions at the level of the congressional chambers usually depend on the decisions of the competent congressional committee. Debates about legislative proposals in the House of Representatives are almost always connected to the alternatives presented by the analyses and decisions of the committee that worked on the concrete bill. In this manner, bills causing excitement and discussion in the committees cause an equal reaction in the House of Representatives. Those avoiding discussions and polemics in the committees avoid this reaction in the House of Representatives as well. The experience in the implementation of the legislative process in the chambers indicates that almost all action in the congressional chambers consists in the ratification of the decisions of the committees.

Bills that successfully pass the “iron fist” of the committees are placed on one of the five calendars of the House of Representatives.<sup>11</sup>

---

<sup>9</sup> In its two-year period, more than 25,000 bills are submitted to the Congress, although the number of enacted laws is less than 1,000. Vasović. *Savremene demokratije*. Sluzbeni glasnik. Beograd, 2006, p. 181.

<sup>10</sup> Vogler, J., & Waldman, R., *Congress and democracy*, 1985, p. 61-71.

<sup>11</sup> The Union Calendar, the House of Representatives Calendar, the Private Calendar, the Calendar of Bills on Which General Consent Has Been Reached, and the Calendar of Bills Placed on the Agenda by Petition

### 3. The role of the Parliamentary Committees in the legislative process in the United Kingdom

#### 3.1

“The work capacity of the House of Commons will be significantly reduced if the details, principles and solutions offered by the bill in procedure are always considered at a session of this legislative chamber.”<sup>12</sup>

Therefore, the actual review of the bill takes place in one or two parliamentary committees at most. They are “designed” to study the specific proposal in detail, and their task is to analyze the text of the law in full light – article by article. In this manner, the work of the parliamentary committees on a specific bill includes the study, drafting, changing and supplementing the text of the law, and if this is accomplished without major delays in the legislative procedure, there are good prospects for the bill to become a law. These functions of theirs make the parliamentary committees a real “Chinese wall” for the specific bill that is in the process. If the other functions of the parliamentary committees that are not tied to the legislative process are added to this, it would not be wrong to conclude that they represent a “microcosm” of the House of Commons.

#### 3.2

The overall procedure of drafting the bill at this stage of the legislative process is very formal and represents a kind of a ritual, which the British parliamentary tradition is inclined to observe. These elements of “acting in velvet gloves” are particularly striking in the order of the speakers, the mutual polite and courteous address during the discussion in the committee, as well as in the conduct of the sessions of these working bodies in general. However, this phase of the legislative procedure will probably represent the most difficult and decisive moment for the future of the law. The polite form through which the work is carried out in these bodies can only erroneously lead to the conclusion that there is no danger of “freezing” the bill. If the observation focus is put on several specificities: the human and technical resources available to the MPs at this stage, the clash of arguments and alternatives during the discussions in these bodies, the possibility of a public hearing through which the pro and contra arguments are reached, the appropriate solutions and measures of the bill, and the rationality in the actions of the members, it can be concluded that these working bodies de facto represent one of the decisive legislative factors.

#### 3.3

As soon as the second reading phase is completed, and within 10 days at the latest, the bill is submitted to one of the parliamentary committees. The phase of the first critical analysis of the bill in the true sense of the word, can be conducted in:

- Standing Committees (Public Bill Committees - PBCs) – which is the usual procedure, unless the House of Commons decides otherwise. The use of the term “standing committees” is inappropriate considering the fact that essentially these boards do not have the characteristics of permanent working bodies<sup>13</sup>. On the

---

(discharge petition) are the five calendars of the House of Representatives. Keefe, Ogul, *The American legislative process – Congress and States*, p. 212.

<sup>12</sup> Loveland, *Constitutional and administrative law*. Oxford University press, London, 2006, p. 143.

<sup>13</sup> Permanent parliamentary committees are marked with Latin letters (A, B, C, D...), so there is always a possibility that the same committee (in a different composition) is responsible for studying proposals that

contrary, they are established with the task of studying a certain bill, after which they cease to exist in the same composition.

- Committee of the Whole House – responsible for studying three types of bills: acceptable and non-controversial bills, bills for the adoption of which special urgency is required (The Prevention of Terrorism Act of 1974, Criminal Justice – Terrorism and Conspiracy – Act of 1998, Anti-terrorism Crime and Security Act of 2001) and bills of primary constitutional importance (the Human Right Bill, the European Parliamentary Elections Bill, the Scotland and Government of Wales Bills).
- Combined procedure of the Committee of the Whole House and a corresponding standing committee (the Greater London Authority Bill).
- Select Committees – are established for review of omnibus laws.

Experience shows that most of the laws that are enacted following government proposals are subject to consideration by the standing committees. It is being said that “dissecting” the legal text with exceptional professional precision is in the nature of these committees. In this phase of the legislative procedure, not only the specific solutions and measures foreseen by the bill, but also the presented arguments and counter-arguments that refer to them will be the subject of efficient “scanning”.

### 3.4

However, amending and supplementing the legal text seems to be the most important function of these working bodies. In order to prevent the submission of amendments as a mechanism for obstruction of the legislative process, the categories of unacceptable amendments, which are not considered and debated, have been clearly defined. This category includes the so-called “implied amendments” that do not refer to the legal text and whose purpose is delaying the procedure and criticizing the government. Experience has shown that the amendments that were assessed as irrelevant, the amendments that contradict the basic principles on which the law is based and which were determined at the stage of the second reading, and incomprehensible, unclear and ineffective amendments are the most common examples of such amendments. These restrictions on the submission of amendments provided for by the procedural provisions, in a certain way, provide the government with a comfortable position in the process of enacting the law that it has proposed. However, some of the submitted amendments will not be rejected at this stage. Thus, the amendments providing a clearer picture of the bill even in cases when they would not be accepted, are subject to consideration by the relevant parliamentary committee. These can range from amendments proposing certain language corrections in the legal provisions to amendments providing for alternative measures and substantial changes and additions to the proposal. The practice has shown that most of the amendments that were proposed at this stage are actually amendments that were proposed by the government either in order to correct certain mistakes that occurred in some of the previous stages of the procedure or in order to satisfy certain acceptable interests and demands of some interest groups.<sup>14</sup>

---

regulate completely different areas and with completely different content. Thus in 1993 the Standing Committee D was responsible for studying the Judicial Pensions and Retirement Bill, the Sea Fish (Conservation) Bill and The Merchant Shipping Bill, but the only common feature in each of these proceedings was the name of the committee.

<sup>14</sup> The Criminal Justice and Public Order bill of 1994 is given as a concrete example, for which, at this stage, 150 amendments have been adopted, of which 145 were proposed by the government. The not-so-distant history also remembers the anthological procedure for the adoption of the so-called Electricity Bill. Namely,

### 3.5

Richard Crossman describes this stage of the legislative process as very tedious, with “the minister pressed against the wall throughout the entire process”<sup>15</sup>. If we add to this the fact that the work in the parliamentary committees attracts very little media attention, as well as the fact that the members of the committee will not be impressed by speeches in which the rhetorical skills of the speaker are presented, but will consider only those supported by arguments conclusions from the discussions, it is understandable why the “smooth passing” of the law at this stage actually represents a difficult task for the competent minister. This results in the fear that the minister who will not invest all his knowledge, experience, skill and effort in defense of the bill will have a short ministerial career, and the “killing” of the government proposal at this stage of the procedure can also mean a complete “political death” for the competent minister. However, elements of a subjective and objective nature are available to the competent minister. Thus, it is expected that the educational background, the skill in persuasion and his/her argumentative presentation on the one hand, as well as the support that the majority of the committee members provide to the government on the other hand, will enable him/her to maneuver to avoid the sharp and critical attacks on the offered legislative solutions.

A real battle of arguments, attacks and defense of specific solutions, offer of new alternatives, offensive and defensive strategy in the representation of supporters and opponents of the law, are specific to this stage of the legislative process. Especially if the subject of the legislative process is a highly controversial law, these characteristics will represent the *diferentia specifica* of the competent committees. Laws for which a strong and strict reaction from the opposition is not expected, and the so-called bread and butter bills, will pass this stage in a more “harmonious” atmosphere. However, it seems that all this remains hidden from the public eye and is of interest only to a certain category of people.

The actual “stage performance” of the members of the committee and the presentation of their views and opinions related to the specific bill has been conducted during its second reading, long before the review of this bill in the parliamentary committee.

#### 4. The role of the Parliamentary Committees in the legislative process in Switzerland

The legislative body implements the matters under its competence through an very disintegrated mechanism.<sup>16</sup> Joseph Barthelemy and Paul Duez say that “the work of the parliament depends on the activity and the goodwill of the parliamentary committees.”<sup>17</sup> They undoubtedly represent the most important part of the internal organization of the parliament, and considered from the perspective of the legislative procedure, as auxiliary internal working bodies, the parliamentary committees are the ones who first in detail and precisely study the bill.

---

114 amendments were adopted for this law. Of them, 113 were submitted by the government, and none of the 227 amendments submitted by the opposition were accepted.

<sup>15</sup> Richard Crossman, Minister of Housing and Local Government in the Government of 1974. Barnett. *Constitutional and administrative law*, Routledge-Cavendish, Oxon, 2006, p. 387.

<sup>16</sup> Wilson, W., *Congressional government – A study in American Politics*. Dover Publications Inc. New York, 2006, p. 62.

<sup>17</sup> Barthelemy, J., Duez P. *Traite de droit constitutionnel*, p. 548 (Taken from: Николић. Оливер. *Законодавна процедура у Југославији са посебним освртом на Швајцарско право*. Институт за упоредно право. Београд, 1997, p. 47).



The elaboration of the provisions of the proposed bill, the debate on the measures that this proposal offers, the offer of alternative solutions and the conducting of an informative debate on the matter that the bill regulates are also carried out in the parliamentary committees in Switzerland. It is said that the main task of these bodies is to discuss issues and proposals that will be put on the agenda of one of the chambers of the Federal Assembly. The fact that no bill can be subject to a review in any of the legislative chambers without first being considered by the competent working body is a significant feature of the legislative procedure in Switzerland. This only speaks volumes of the rationalization of the legislative process and the pragmatic approach in the work of the legislative body in order to ensure the principle of efficiency.<sup>18</sup>

#### 4.1

Unlike the Swiss Constitution of 1874, with the constitutional solution of 2000, the parliamentary committees represent *materia constitutionis*. Namely, the Federal Constitution of the Swiss Confederation of 1874 does not mention parliamentary committees at all. Their position, composition and competences are regulated in the Federal Law on Procedure in the Federal Assembly and the rules of procedure of the two legislative chambers. The Swiss Constitution of 2000 in Article 153 provides for that each chamber of the Federal Assembly independently establishes parliamentary committees. The provisions of the rules of procedure of these two chambers can provide a legal basis for the establishment of joint parliamentary committees. The Constitution provides for the rules of procedure of the legislative chambers to determine the competences of the parliamentary committees, noting that the legislative chamber can, in accordance with the procedural provisions, delegate appropriate powers that do not relate to the legislative function to these working bodies<sup>19</sup>. Today, within the framework of the National Council, there are 12 permanent committees, 9 of which are specialized parliamentary committees formed by *ratione materiae*, and 2 are committees for supervision and Immunity Committee.<sup>20</sup> The Council of States has 9 specialized and 2 supervisory parliamentary committees. The committees of the National Council consist of 25 members, while those of the Council of States count 13 members.

#### 4.2

It is being said that the main task of the parliamentary committees is “preliminary study and elaboration of all questions and proposals that will be submitted to them.”<sup>21</sup> Thus, if the Federal Assembly accepts the legislative initiative from one of the authorized proposers, it will

---

<sup>18</sup> If we take into account the fact that the legislative function is not the only competence of the Federal Assembly, as well as the fact that the overall system of organizational power in Switzerland is based on the principle of unity of power, in which “the highest authority is the Federal Council” (Art. 148 of the Constitution), we can understand the efforts to rationalize the legislative procedure in order to ensure the principle of efficiency in its work.

<sup>19</sup> Constitution of Switzerland, 2000, Article 153. [http://www.servat.unibe.ch/ici/sz00000\\_.html](http://www.servat.unibe.ch/ici/sz00000_.html).

<sup>20</sup> This group of parliamentary committees includes: the Foreign Affairs Committee, the Science, Education and Culture Committee, the Social Security and Health Committee, the Environment, Spatial Planning and Energy Committee, the Security Policy Committee, the Transport and Telecommunications Committee, the Economic Affairs and Taxation and Committee, the Political Institutions Committee, the Legal (Judicial) Affairs Committee and the Public Affairs Committee. The committees that have the function of supervision include the Financial Supervision Committee and the Parliamentary Control of the Administration Committee. The Council of States.

<sup>21</sup> See <http://www.parlament.ch/e/kommissionen>.

oblige the competent parliamentary committee to elaborate the legislative proposal. In carrying out the overall activities related to the concrete bill, the parliamentary committee may ask the competent administrative department of the Federal Council to provide it with professional assistance, and at its sessions it can call its members or their representatives in order to provide additional notifications and information. Paragraph 4 of Article 153 is a constitutional guarantee for this according to which “in the performance of their tasks, the committees have the right to request information, consult documents and conduct investigations. The limitations of these rights are determined by the rules of procedure of both chambers.”<sup>22</sup>

The overall activity of the parliamentary committees in the development of the legislative proposal ends with the drafting and submission of a written report to the specific legislative chamber. This written report contains the proposals that were accepted by the committee members, as well as those proposals that are part of the so-called minority report. Prepared reports on concrete bill are also submitted to the Federal Council for its opinion. The parliamentary committees of the Council of States do not prepare a written report, but explain their proposals orally.

After the legislative proposal and the report of the competent parliamentary committee have been considered by the Federal Assembly, there is a possibility for them to be brought back for their reconsideration. Namely, the “supreme legislative authority” often uses this right, so the entire legislative proposal or only part of it is often subject to reconsideration or revision in the parliamentary committees. The need for reconsideration of the legislative proposals or their amendment or supplement can be established during the discussion in the legislative chambers. On the other hand, in the event that the legal text undergoes significant changes during the discussion, the draft law is returned to the parliamentary committee for unification of the legal text. Proposals for amendments that refer to the bill, at the request of the respective legislative chamber are submitted directly to the competent parliamentary committee for their consideration, and only then will they be decided upon in the specific legislative chamber.

#### 4.3

From all the above, it can be concluded that the parliamentary committees in the legislative process in Switzerland play the role of “small legislators”. However, even though these are working bodies of the Federal Assembly whose position and rights are constitutionally guaranteed, the final decision on the future of the legislative proposal is always made by the Federal Assembly as the supreme legislator. So, if about this stage of the legislative procedure in the USA it is being said that “the bill in the committees is a cursed bill”<sup>23</sup> and that the future of the concrete bill depends on its ability to be passed at this stage of the process, the same conclusion cannot be reached on the legislative process in Switzerland. Namely, the Federal Assembly in Switzerland may request reconsideration of parts of the bill or its reconsideration in its entirety, which will of course delay the process of final enactment of the law, but this return of the legislative proposal to the committee does not mean it is being “frozen”. On the other hand, the reports of the parliamentary committees regarding the concrete bill are always submitted to the designated legislative chamber, which indicates the impossibility of the final decision on its eventual “freezing” and its future being made by these bodies. If the competent parliamentary committee does not submit the report with its proposals and suggestions regarding the bill to the Federal

---

<sup>22</sup> Constitution of Switzerland, 2000, Article 153. [http://www.servat.unibe.ch/ici/sz00000\\_.html](http://www.servat.unibe.ch/ici/sz00000_.html).

<sup>23</sup> Wilson, W., *Congressional government-a study in American Politics*, Dover Publications Inc., New York, 2006, p. 63.

Assembly within two years, the Federal Assembly will still be the entity that decides whether this deadline must be extended or it will reject the bill. This is just an argument in support of the thesis that the future of the bill depends solely on the Federal Assembly and only this body can make a final decision on the adoption or rejection of the bill.

## 5. Conclusion

The legislative competence of the modern parliaments is implemented on two levels. One part of the legislative procedure is carried out by the working bodies of the parliaments, and another part is carried out at the plenary session of the legislative chamber. The primary idea for the formation of the working bodies of the parliaments originates from the need to enable a more efficient and quality exercise of the legislative competence. Hence, during the formation of the working bodies and the selection of the members who will work in them, a care should be taken of satisfying the criterion of expertise.

In the modern world, the task and the role of the working bodies of the parliament in the legislative procedure is very important. The work of the working bodies (committees and commissions) in the legislative procedure covers the review of the bill and the amendments from the aspect of their purposefulness and from the aspect of fulfilling the formal requirements that the legal proposal should fulfill, giving opinions and suggestions about the proposed solutions in the legal proposal, and submission of amendments in order to improve the legal text. In the modern world, the working bodies of the parliaments in the legislative process play the role of “small legislators”.

However, in carrying out these activities, the working bodies act as auxiliary bodies of the parliament and do not have their own special competence. Namely, the legislative competence remains an exclusive competence bound to the parliaments, and the activity of the working bodies does not imply its delegation.

## Acknowledgements

This research did not receive any specific grant from funding agencies in the public commercial, or not-for-profit sectors.

The author declares no competing interests.

## References

- Crossman, R. (Minister of Housing and Local Government in the Government of 1974) (2006). Barnett. *Constitutional and administrative law*. Oxon: Routledge-Cavendish.
- Le Loup, T. (1989). *Politics in America – The ability to govern*. St. Paul: West Publishing Company.
- Loewenberg, G., Squire, P., & Kiewiet, D. R. (2005). *Legislatures: Comparative perspectives on representative assemblies*. University of Michigan Press, USA.
- Loveland, I. (2006). *Constitutional and administrative law*. London: Oxford University Press.
- Magstadt, M. T., & Svhoten, M. P. (1998). *Understanding politics – Ideas, institutions and issues*. New York: St Martins Press.
- Ruan, S. M. (1985). *Parliamentary Procedure – Essential principles*. New York: Cornwall Books.

- Russel, M. (2000). *Reforming House of Lords – Lessons from Overseas*. Oxford: Oxford University Press.
- Silk, P., & Walters, R. (1998). *How Parliament works*. Essex: Pearson Education Limited.
- Taylor, E. (1967). *The House of Commons at work*. Middlesex: Penguin Books Ltd.
- Vile, J. R. (1993). *A companion to The United States Constitution and its amendments*. Westport: Praeger
- Vogler, D. J., & Waldman, R. (1985). *Congress and democracy*. Washington D.C.: CQ Press.
- Welch, G., Steinman, C., Ambrosius, M., & Rigdon, M. (1995). *Understanding American Government*. West Publishing Company.
- Wheare, K. C. (1963). *Legislatures*. Oxford: Oxford University Press.
- Wilson, W. (2006). *Congressional government – A study in American politics*. New York: Dover Publications Inc.

In Macedonian and Serbian:

- Hejvud, E. (2004). *Politika* [Politics]. Beograd: Clio.
- Дескоска, Р., Ристовска, М., Трајковска-Христовска, Ј. (2021). *Уставно право* [Constitutional law]. Скопје: Просветно дело.
- Јовичиќ, М. (2006). *Уставни и политички систем* [Constitutional and political system]. Београд: Службени гласник.
- Николић, О. (1997). *Законодавна процедура у Југославији са посебним освртом на Швајцарско право* [Legislative procedure in Yugoslavia with special reference to Swiss law]. Београд: Институт за упоредно право.
- Тренеска, Р. (1999). *Извршната власт во демократските системи* [Executive power in democratic systems]. Скопје: Матица македонска.
- Vasović, V. (2006). *Savremene demokratije* [Contemporary democracies]. Beograd: Sluzbeni glasnik.

