

January 9, 1989

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of proposed amendment number two as offered by the Rules Committee.

PRESIDENT: That rules change is adopted. Senator Lynch, do you have further rules changes?

SENATOR LYNCH: Yes, Mr. President, members, under Rule 7, Section 3 as found on page 32 of the Journal, this is a motion again that was recommended by Senator Withem and it has to do with return from Final Reading to Select File for a specific amendment, and this amendment would provide that once that action has taken place and the amendment is on the floor under Select File, it could not be divided. I will turn to Senator Withem for any further explanation.

PRESIDENT: Thank you. Senator Withem, please.

SENATOR WITHEM: I am sorry, Senator Lynch, I was visiting with Senator McFarland. Which of these...oh, division of the question on Final Reading, okay. Yeah, okay, it is on the bottom of page 32, I believe. We have a practice in here known as allowing for a division of the question and our current rules allow...would lead one to believe that anytime during a debate a member has an absolute right to ask that a question be divided. As an example, if we are conducting...dealing with a bill setting state holidays, and if a member offers an amendment to make Groundhog's Day and Senator Jacky Smith's birthday state holidays, it is traditional under our rules that a member can ask that that question be divided. By divided, it means we vote first on whether Groundhog's Day should be a state holiday, secondly, whether Senator Jacky Smith's birthday should be a state holiday. Also under our rules, we have another procedure. When a bill is on Final Reading, it cannot be amended, so our procedure is to offer an amendment to return that bill to Select File to consider a specific amendment. We take a vote, we do that. The next thing we do is we take a vote on that amendment. Given the way in which we offer this amendment process when a bill is on Final Reading, it is practically impossible to divide a question at that point. There have been, since I have been here, and I will admit I was one of them, attempts by members to invoke this division of the question rule when a bill was on Final Reading, and every time that they have done it, the ruling from the Chair has come back, well, it is impossible, we are unable to do that. So what this amendment, basically, does is