

January 11, 1995

Will, for the question I have, about the third line, on the rule change, it says, "consistent with Rule 2 of Section 1, all proposed rule changes", okay, and I emphasize that "all proposed rule changes". Say, for example, that the current rule that we're discussing is in effect, that it has become accepted by the body. Say, for example, a rule has gone through the Rules Committee, it is now up for discussion. It would seem to me that any amendment to that would also be out of order because the amendment would also be a change in a rule that had not yet had a discussion by the Rules Committee. So would you concur that a strict interpretation of the way that the words are in this rule would preclude even amendments to the rule coming out of the Rules Committee from being offered on the floor without prior submission to the Rules Committee for a hearing?

SENATOR WILL: That's certainly a possibility.

SENATOR BERNARD-STEVENS: And it's with that possibility that I have deep concerns on the rule change, because many times the committees, though the Rules Committee, I'm sure, is an exception to this, sometimes the committees do not see all the ramifications of a particular piece of legislation; or, to word it differently, sometimes what we see is not necessarily what is there. We already know what we intend, we see the words, we'll say, yes, this is what we want to do. Other people on the outside take a look at it, look clearly at the words and say, we understand what your intent was, we may, in fact, agree with the intent, but the words that we have here will not bring us to that intent. At this point in time I'd have to oppose the rule change, and I suspect there will be other amendments up there, because I do believe that we need to at least be able to amend a rule that's come forward out of the Rules Committee, and I believe the way the wording is now it would be precluded. I might also say, for new members, or those that do not play with the rules that often as far as procedurally, that one of the fears I have is if we don't make certain changes in this particular rule, if it's adopted, the Chair would be asked at some point, is this in fact the rule that an amendment could not be offered? Then the Chair could say, yes, that's the rule. If in fact you can override that decision by a simple majority vote of those present, I'm not sure that's a good policy that we want to set up at this point. So at this point, the way it's worded, the rule is not a good rule for the process of the body, though I understand what the intent was. Possibly there will be