

January 17, 1995

more than one subject. No matter what our germaneness rule says, how we vote on whether or not a proposition is germane or not if it would result in a bill having more than one subject, it will be struck down by the Supreme Court as unconstitutional. That, I'm not talking about at this point. I'm talking about the area within which we, as a Legislature, constitutionally may act. Our germaneness rule is narrower in scope than what the constitution allows. Our germaneness rule will cause certain amendments to be considered out of order even though they do not constitute adding a separate subject to the bill. If you adopt this amendment, it's simply saying that when a person offers an amendment and some member objects on the basis that it's not germane, once the Chair rules that it is, and if the body either acquiesces in that ruling or somebody challenges it and by a vote we uphold the Chair, then that amendment, in total, having been ruled germane, cannot be broken into component parts by way of a division of the question and thereby allow certain elements of the amendment to be ruled not germane. There have been instances on this floor when somebody would offer an amendment with which I disagreed and it could perhaps fall under an interpretation of our germaneness rule. By that, I mean it would be ruled out of order. I don't raise the germaneness question. I don't try to defeat an amendment on the basis of its not being germane. I want the broadest interpretation possible, but aside from that, consider the logic of the rule itself. When the amendment is offered the only way the germaneness question will arise is if somebody raises it. At the time they raised that issue, they had the responsibility to point out everything in that amendment which would cause it to be considered not germane. If the argument at that time cannot persuade enough of the members to overrule the Chair,...

PRESIDENT ROBAK: One minute.

SENATOR CHAMBERS: ...then it's unlikely that, by dividing the question, individual components of it would be ruled not germane. But that's not necessarily true. Some special interest in the lobby could be alerted by the discussion on the germaneness question and try to rally his or her forces on the legislative floor to vote that one of the components is not germane and then we would fall into an area where this rule would come into play. I'm in favor of this change and I will be frank with you. The main reason I'm in favor of it is that it will broaden the scope and sweep of the germaneness rule in the sense of allowing things to be held germane which currently