

January 17, 1995

sat down to do it, but I'd like to ask a question of Senator Beutler, if I may, with reference to the version two which is before us now. Senator Beutler, in the second sentence, and this is probably what Senator Landis is going after, but I don't like that. It puts too much power in the Speaker. Are you at your mike...oh, okay. It says, if in the opinion of the Speaker, the motions and/or amendments are not dilatory, debate on the pending measure shall continue. The next sentence, if the Speaker has reason to believe that one or more of the amendments or motions are dilatory, the Speaker shall consult with the introducer and so forth. What are the reasons that would be considered valid in guiding the Speaker's judgment to the point of saying that something is dilatory? Could it be because people in the lobby say we want this bill hastened along and we think that whoever has these amendments is slowing down what we want? That would be a reason. Is it a valid reason in your opinion?

SENATOR BEUTLER: Senator Chambers, I don't think it's possible to imagine all the situations that could come up in a particular context and I think that the only way you can proceed on a matter such as this, where you're giving discretion over a certain kind of motion, is to allow the person to whom you have given the discretion to exercise the discretion and then for the body, through the process of overruling the Speaker, define over time for us what it is that is meant by the word "dilatory" if that is what you're getting at.

SENATOR CHAMBERS: Would this rule, because it says that if the Speaker has reasons to believe, does this rule require that the Speaker state those reasons?

SENATOR BEUTLER: No, the rule doesn't require that he state the reasons.

SENATOR CHAMBERS: So we don't even have to put that language in there, do we, because it serves no purpose? If there is something, oh, thanks, that's all I'll ask you. If there is something written in a rule it should be there for a purpose. If they're going to tell me that there must be reasons or that the Speaker is to have reasons, the Speaker should be required to state those reasons just as if in the law it says an officer cannot stop a person for a search or an arrest without probable cause. The officer is required to state the facts that constitute that probable cause and the officer cannot simply say