

May 30, 1995

SPEAKER WITHEM: Yes, Madam President, members of the body, conceptually I have no problem with what Senator Bernard-Stevens is doing. I think this is a matter that kind of got waylaid the other day in the midst of the...in the midst of the crime bill discussion. I would invite him, however, to address not the germaneness rule of the Legislature, but the constitutional requirement that a bill cannot contain more than one subject. That is addressed fairly liberally on the floor from time to time, and I believe we have gotten by a number of different occasions with court rulings, but how does a bill that currently deals with compulsive disorders, treatment of compulsive disorders relate in any way, shape, or form constitutionally with a measure siting a new juvenile facility? That would be my question. I guess the answer...one of the answers is, well, let's do it and just hope nobody challenges it and maybe nobody will, but if it is challenged, if it is challenged, then we lose not only the ability more flexibility for the siting of the facility, but we also lose Senator Pedersen's bill itself. Please address the single subject, and I am genuinely interested in hearing that. I would like to legislatively do what you want to do sometime this session, but I am wondering if we may not be not only sacrificing your idea but also the underlying bill of Senator Pedersen's by doing it this way.

PRESIDENT ROBAK: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Senator Withem, and you've hit upon the reason that I was very nervous about attempting it, and Senator Withem is absolutely correct. I think this would be in violation of the two subject matter rule in the Constitution, I think there clearly would be two subject matters. I know, and the only defense I have is in the past, as Senator Withem mentioned, we have had bills that have had more than one subject. I was intrigued by the ethanol or the ethanol bill we passed last year, if we remember, we had everything from Ak-Sar-Ben, to ethanol, to fertilizer tax, you name it, it was in there, and the key provision was everyone liked that and so it was not challenged and things are where we are now. I do not know of anyone that is going to challenge Senator Pedersen's amendment. I do not know of anyone who would challenge the other portion of the amendment. Both of them need to be done. I am afraid of one may not be able to be done. The only option I had was to try to find a bill, and this is one that I decided to try it on, and, again, if the body is not comfortable with doing so, then we will rest all our hopes on the adult crime