

January 8, 1996

SENATOR CROSBY: The Withem amendment is adopted. Is there anything further now? We're back to the Wickersham rule change. Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, my philosophy in adopting these rules is that I look at the worse thing that can be done by whoever is sitting in the chair and that becomes the basis on which I vote on something such as this. I'm going to tell you what I have seen. Other senators will deny it or are afraid to say it. I have seen the Chair manipulate the process. I have seen the Chair rule inconsistently depending on what the exigencies of the situation are rather than the merits of the issue. So I offer an amendment which is substantially the same as a bill in the mind of a Chair who does not want that amendment adopted. The Chair says that's substantially the same as the bill you offered. Maybe it relates to some area of gay rights and nobody wants to talk about it so they say that's substantially the same as any bill that was offered on that subject so it's going to take 30 votes to get it adopted. So let's come to another situation, something related to giving away some part of the state's tax base to some big shot corporation or shifting taxes based on that concept. And somebody's sitting in the Chair who's in league with the Governor who might want it. So a bill is offered, a few words changed, the bill was killed, a few words changed from that original bill, it's offered as an amendment, the Chair says it's not substantially the same, it takes 25 votes. And we wrangle and wrangle a bill which is so susceptible to political manipulation. A rule I think is unwise, I am very strongly opposed to it on the basis of that word "substantially" which is a chameleon term and it will mean whatever, whoever is in the Chair is prevailed on to say that it means when a specific amendment is offered. Then, as Senator Wickersham pointed out, but I'm not going to go through all of that right now at full length, the argument that can occur as to whether or not "substantially" applies to that particular amendment. What I will go to is what Senator Will touched on and I have mentioned that principle as a principle in which I believe when we were talking about various routine acts by the Legislature. It takes 25 votes, which is the majority of the elected members, to do practically everything routine in the Legislature that we do. Certain overrides, certain other types of things that are out of the ordinary require a greater number of votes. In this instance, to add an amendment to the bill