

January 8, 1996

votes, can't it?

SENATOR WICKERSHAM: If that's on General File.

SENATOR CHAMBERS: Yes.

SENATOR WICKERSHAM: Yes.

SENATOR CHAMBERS: Or if it's on Select.

SENATOR WICKERSHAM: On Select, no.

SENATOR CHAMBERS: Yes, it can, 25 votes.

SENATOR CROSBY: Time.

SENATOR WICKERSHAM: It failed twice.

SENATOR CROSBY: Thank you, Senator Chambers. Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Madam President. I am tempted to say that Senator Chambers has thrown out a couple of red herrings, but I think they're more like mackerels so I won't refer to them as red herrings. The first mackerel is that there is something insidious about the word "substantially." I think we've had already a suggestion that there isn't anything more insidious about the word "substantially" than there is about the word germane, and perhaps not even anything more insidious about the word "substantially" than the word dilatory which also appears in our rules. And you can also pick out, I think, for each of your edifications and enjoyment and scrutiny and delight other words that have to be interpreted in the rules. And we allow the Chair to interpret those rule...those words from time to time subject to the approval of a majority of the body if the Chair is challenged. We necessarily have to have occasionally some trust and some confidence that we repose in the presiding officer whether we ultimately agree with their rulings or not. Sometimes it is simply not possible to have an absolutely bright line rule. I don't believe that there is anything awful or untoward in the word "substantially." The other issue that Senator Chambers raises, I think, goes to a more fundamental policy issue that Senator Will addressed when he said that this proposed rule change is really about the confidence and the