

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 13, 2003

there was a consensus that we ought to have a specific procedure, a specific rule by which we do this, by which we end debate. So the cloture rule was created. Then the decision came, well, how many votes should we require to cease debate? The number settled on was 33. Had I been here at the time, I might well have voted for 33 votes myself. This is a one-house body, as opposed to a bicameral. There was concern that, well, if there is a tyrannical streak in the populace that shows up in the elected offices, maybe we should set the bar high, since we're just one house, instead of another state where that tyrannical streak would have to capture two houses. It was a legitimate concern. But I think history has shown that the Legislature overcompensated in setting the number at 33. In the effort to avoid tyranny of the majority, I think we went too far and created tyranny of the minority, where a small group of senators, or one senator, can wield too much power in our system, and drive us to the point where we have to have a special session on an issue that has overwhelming majority support. Again, to me, that's irrefutable evidence that we've got a problem that needs fixing in our system. Now, it's important to me to acknowledge that the person that I visited most with this issue about has been Senator Chambers. Obviously, he would be the one most affected by this change in the rules, because he is the one that makes most use of the leverage in the rules, I would say the flaw in the rules that needs fixing. But he is the one that uses this option the most, and so it would affect him the most. Now, I'm in a tricky position here because, in my view, Senator Chambers is not the issue, but of course he is the issue because he is the one that uses the rules to the fullest. But I will jump back to what is my main contention. My beef is not with him. My beef is with the system and the way it's set up. I think 30 votes is a reasonable compromise. It still provides significant leverage for a minority group or for one senator in the course of what we do here. And yet, I think it's an effort to restore more of a balance, so majority will can proceed, as I think it should, and as, apparently, it can't right now. Others, I think, will probably articulate the concern regarding tyranny of the minority. Here's why I don't find that argument persuasive, that a switch to 30 votes opens the door to tyranny of the majority. A true tyranny of the majority would not be cured by