

May 3, 1979

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the Legislature and that the decision rendered here is going to be significant. Why do I say it is a case of first impression? Because, and listen to this please, this is the first time the issue of a disparity in votes to accomplish an identical thing is involved. In other words one involves the Speaker's order which for the first time this year, we said required 30 votes. Now I will tell you in advance. I voted for that. I think I pointed out at the time it was a significant change. We also have a rule that requires 30 votes to suspend the rules. I submit to you that I think both of those are unconstitutional, therefore, our rules are unconstitutional. The Attorney General, and I tried to seek this information earlier this year, disagreed with me, the person that was writing it but we talk about how it used to go in the past so let's discuss a little history back in the days when Terry Carpenter was here, so on and so forth. We didn't have agendas. We didn't have Speaker's orders. We had a random fluid situation. If your bill failed on General File, you threw whatever motion you wanted up there but mostly, I want to take up X bill. Then we sophisticated it just a little to set such and such a bill for such and such a time so you knew when your votes would be here, this kind of thing. The point I am making, all of these motions always required 25 votes so it didn't matter what the form of that motion was. What you are doing, what you are accomplishing, what the goal was was to put your bill up for a vote at a particular time irrespective of whatever other bills or order there was. Now we have the last year, the last two years almost, developed a very rigid system in which the Speaker sets an order, a, b, c, d and then to further enhance that we have said, for anybody to change this, for anybody to alter it and get something ahead of that, requires 30 votes to override the Speaker. Okay? That is what Senator Kelly is trying to accomplish. In effect, he is saying, I want a vote on my bill which will be coming up in its natural order whether it is tomorrow or next week or in January. It will be coming up in a natural order automatically one way or another but he wants to change that order and have it brought up now. Now the precedent I say is dangerous because Senator Chambers has come up with the device where we simply overrule the Chair. This is not a type of motion, I submit to you, that the Chair could be overruled in, that it would be valid. Let me use a simple example that we can all understand very easily. A bill gets 23 votes on Final Reading. Okay, it gets 23 votes. The Speaker says, the bill failed and somebody says, I move to overrule the Chair and he gets