

[¶ 812.1] LAYING OUT OF NON-GERMANE AMENDMENTS. — Under current practice, the Speaker declines to lay out amendments on the Speaker's desk that he determines were not germane. E.g., 84 H.J. Reg. 1687-1690 (2015). The practice is grounded in both the Speaker's duty under Rule 1 to lay business before the House that is in order under the Rules and the Speaker's power of recognition under Rule 5 and has historical support in the precedents of the House and the Congress, as well as other parliamentary authority. In laying business before the House, the Speaker is required to follow the Rules governing the consideration of business. This Rule plainly prohibits the admission into debate of subjects "that are different from the subject under consideration[.]" The Speaker is not required to examine amendments for germaneness before he lays them out; however, if he does so and determines that an amendment is not germane and thus not eligible for admission in debate, the Speaker may not permit something to happen that he knows is forbidden. For example, the Speaker may refuse to recognize a Member for a motion that, in the Speaker's opinion, would conflict with the House's prior action. Deschler ch. 6 § 3.19. And the Speaker is not required to lay out amendments that would change one motion into another, leave the House without an intelligible proposition to consider, or require the House to decide something that has already been decided. Mason's § 401.

To permit the House to consume time considering an amendment that the Speaker has determined would be held non-germane if a point of order is raised would be to permit a dilatory motion. See Deschler ch. 27 § 35.7 9 (explaining principle). Under long-standing practice, "the Speaker waits for a point of order from the floor before acting, but he may act on his own motion" when determining whether proceedings are dilatory. 33 Tex. Legis. Man. § 1484 (1913). While it is true that this practice does not allow for an appeal to be taken to the House on the question of germaneness, the House has prohibited appeals in matters of recognition except in limited circumstances. E.g., Rule 5, § 24. Moreover, appeals of the Speaker's decision on the dilatoriness of motions are not in order. 5 Hinds § 5731. To permit otherwise would defeat the purpose of determin-