

April 19, 1979

LB 152

get out of it completely by not signing that citation, because there is no way in the world that that officer could prove in a court of law that that person was actually in possession of marijuana. Our laws, ladies and gentlemen, are ludicrous and this is certainly one of them... this is certainly one of them. Law enforcement people from the City of Omaha have asked me to put this in. That's all I am doing. You can do with it what you want.

SPEAKER MARVEL: State your point.

SENATOR SIMON: Mr. President, I would ask whether or not the motion is germane. I realize that it is in the same section, but it would seem to me that it's a separate subject matter and I would ask the Chair for a ruling.

SPEAKER MARVEL: Well I would alert Senator Fowler not... not...(interruption)

SENATOR SIMON: I distrust Senator Fowler, for the record too by the way.

SPEAKER MARVEL: Well, I would alert him to this extent. We've talked about it before, and I'll read the rule in just a minute, but I think that some of these rules are vague and so general that the Chair in many cases can rule either way, and I think it would be helpful if we could comb the rules and come up with some suggestions. Now let me read you the rule, and then I'll give you the way we have ruled on this, and I don't intend to rule one way on one issue and another way on another one if I can help it. It says here, Rule 7, Section 3D, that no motion, proposition, or subject, different from that under consideration shall be admitted under color of amendment, under the guise of the amendment. Now we have ruled in the past that as long as the amendment had to do with the same chapter, the amendment would be germane. The chapter involved is Chapter 28. I think the article of Senator Venditte's motion is Article 8...no Chapter 28. Come here Pat. I don't want to get in an argument between lawyers. Okay, we're dealing with Senator Venditte's, in Chapter 28, Article 8, the amendments generally are Chapter 28, Article 11. It would be closer to reality as far as Senator Venditte is concerned, but I'm not going to sit up here and dictate to him. We do have LB 378, which deals with Chapter 28 and Article 8, so the Chair to be consistent rules that the order...that the motion is germane.

SENATOR SIMON: Thank you, Mr. Chairman. I will respect the