

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think it is a two pronged issue that we deal with. In some instances you must look at the chapter to help resolve the issue, on others the subject matter. So I just was scanning through our Final Reading book and the reason I went to Final Reading is to show that objections were not made to different chapters in the same bill prior to reaching Final Reading. LB 127, parts of it are found in Chapters 23, 39, 81, 84. Then I'll go up to another bill, LB 404, Chapters 68 and 81. Then LB 651 is in Chapter 71, 43 and 79. So the idea is this. If a bill as originally introduced can have matter from more than one chapter, the issue of germaneness has been settled. If any material in a bill is not germane it makes no difference whether that material were in the bill when it was first introduced or added as an amendment. It is germane, not based on what stage of consideration it is put into a bill, but on the basis of whether it is closely enough allied to the rest of the material in the bill to be considered a member of the same family so to speak. And I think as Senator Kahle pointed out, you are dealing with trucks and perhaps some of the trucks used by farmers could fall within the considerations that we're making relative to the material found in 408 as amended now by the committee amendments. So, I think germaneness must go to more than just the chapter designation. Otherwise all you have to do is look at the number of chapter where a subject comes from and if the chapters are not the same it is not germane. But that is not the way legislation occurs. Matters are placed in different chapters even though the matter relates to that in another chapter so I think the issue of germaneness should be on the basis of the subject matter as well as a particular chapter. And in this particular instance the subject matter I think is...the two fit each other like hand and glove.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I would like to ask Senator Beutler a question since he is an attorney. If you have a situation like this where you are talking about two different sections of law and you do pass the amendments that we are talking about, does the law get into the wrong portion of the lawbooks or does it find its way eventually to the right section?

SENATOR BEUTLER: I think it would find its way to the right section.

SENATOR NICHOL: Then this is purely a matter of rules within this Legislature as to whether or not it is declared germane and if we pass it it would be in the right section of law?

SENATOR BEUTLER: Yes, sir.