

SENATOR LAMB: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would ask for a ruling on the germaneness of Senator Chambers' amendment. Although it is true that a portion of Chapter 28 was taken into the bill, that was done because the section of Chapter 28 which was relevant was the penalty section and they needed the penalty section to apply to the sections that were being changed in Chapter 39. Almost the entire bill, the entire bulk of the bill is about Chapter 39 and the penalty section is really only supplemental and minor compared to the bulk of the bill. So, Senator Chambers, the main part of his amendment is really about Chapter 28 and it is not even about Chapter 28, Article 1, the penalty section, but it is primarily about Chapter 28, Article 3, which is, of course, the murder provisions. So I guess what I am saying is basically we are about two different Chapters, 39 and 28, but even if you are talking about Chapter 28, I think that the operating rule in Chapter 28 has to be Chapter and Article, because Chapter 28 itself is the entire criminal code of the State of Nebraska. So if our principle of germaneness on Chapter 28 is simply Chapter, then anything that has to do with the entire criminal code will be germane. So the only operating principle that makes sense in Chapter 28 is to say the same Chapter and the same Article unless you are incorporating the penalty provision again which would apply to all. But for those reasons, Mr. President, I would ask that the Chambers amendment be ruled not germane.

SENATOR LAMB: Senator Chambers, would you care to respond to the allegations by Senator Beutler?

SENATOR CHAMBERS: Yes, I would, Mr. Chairman, and the arguments that Senator Beutler is trying to get you to accept tonight are matters that I considered in discussing other amendments to other bills earlier in the session by showing that it is not enough merely to have them in the same Chapter. I think you all remember me saying that, that you look at the subject matter but the ruling by the Chair was Chapter. That was the ruling, and if you check some of the amendments that have been attempted, it was just the Chapter. Why I think on this very bill Senator Higgins may have offered an amendment which was allowed to be voted on relative to non-probation for sexual assaults, I think, and we have passed bills that the Judiciary Committee has introduced and amended subsequently that they call clean-up bills that dealt with anything in any part of the criminal code, whether it was the definition of an offense, the setting of a penalty, the harmonizing of various provisions, or whatever, so if the ruling of the Chair is now to be based on a