

April 5, 1982

LB 568

then it should be by Chapter. Isn't that what you said originally that your objection was that Chapter was all right in the past but when it is being used strictly for filibustering purposes, then you would say we should go by Chapter and (interruption)...?

SENATOR LANDIS: My opening statement was that a strict application of only the Chapter is too narrow and artificial a standard. It is one of the best indices that we have of germaneness but it is not controlling nor is it I think the only factor. If I was not explicit, I apologize.

SENATOR HIGGINS: I think you were explicit. I thought that you had said that in the past we had always gone by Chapter but you did not agree that going by Chapter alone was correct if it was done without the intent of really introducing legislation but merely for the purpose of what we are doing tonight. Thank you, Senator Landis.

SENATOR LAMB: The motion is, shall the Chair be overruled? Those in support vote yes, those opposed vote no. It takes 22 votes. Have you all voted? Record.

CLERK: 10 ayes, 23 nays, Mr. President, on the motion to overrule the Chair.

SENATOR LAMB: The Chair is not overruled. The next motion please.

CLERK: Mr. President, Senator Chambers would move to amend the bill.

SENATOR LAMB: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, again this comes from Chapter 28-105, and not having been through this curve prior to the research and the drafting of this amendment, I felt based on the standard we had adopted, it would be considered germane. So I want the body to be aware of what happens when people are tired. In the legal profession they say hard cases make bad law. Judgments made by tired minds and fatigued bodies make bad rules. Before the session is over, there are going to be other people with amendments, and if the rule that is articulated by Senator Lamb this evening is not followed, then I am going to filibuster in every way that I can, and if you suspend the rules on one bill, I will get another one. Because at the late hour, Senator Lamb, is the very time when you ought not to change the rule. It ought to be consistent

10158