

April 6, 1982

LB 933

to so rule. So any further discussion on the overrule?
Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, we had a discussion last night on the topic of germaneness and how it should be applied. I want to reiterate this morning for those who were not here and for the Chair who was not here the argument that I make with respect to germaneness and that is that the chapter heading or the title simply cannot be the only standard by which we measure germaneness. To do so is to adopt an artificial standard which I think does not mean that there is any consistency of subject matter. Germaneness, I think, has to take into account a number of indices, one of which might well be the chapter number but which should probably also take into account the subject matter, whether or not the amendment adds to or detracts from the thrust of the bill, whether or not the amendment offered is an attempt to put into another measure what has previously been a bill in another form, and consideration similar to that. I think that subject matter is one of the most relevant factors in determining germaneness, and although I understand the Chair has a policy, I disagree with the application of that policy and hope that the body will move towards the rule that germaneness is more than simply following what the bill drafter and the revisor of statutes has placed as the numerical order of statutes and applies a sensible rule that amendments apply to the subject matter of the bill. For that reason I hope the Chair will be overruled.

PRESIDENT: Senator Beutler.

SENATOR BEUTLER: I will wait.

PRESIDENT: Okay, question before the House then is, shall the Chair be overruled? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 8 ayes, 27 nays to overrule.

PRESIDENT: Record vote has been asked for.

CLERK: I apologize, Senator. Senator Chambers requests record vote, Mr. President. (Read the record vote as found on page 933 of the Legislative Journal.) 7 ayes, 32 nays, Mr. President, on the motion to overrule the Chair.

PRESIDENT: Motion fails, the Chair is sustained. We will