

February 12, 1991 LB 88

body know that when we offer an amendment that is germane, whether the body agrees with it or not, they will stick by the rules that it is germane. So I would hope that we would overrule the Chair.

SPEAKER BAACK: Thank you, Senator Bernard-Stevens. Next, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, I would remind maybe Senator Ashford that we've had a discussion on germaneness in this body several times and the rule in the book regarding whether it is in same section or not in the same section is no longer in the book and no longer part of our germaneness ruling. I think to make it clear, first of all, where I'm coming from that I oppose the Warner amendment. I think it's bad policy and it should not go into this particular bill but we're not talking about that at this point. We're not talking about scuttling the bill or talking about adding the Warner amendment. We're talking about is it a fair idea for consideration to this body? Clearly, it is. Clearly it is. What LB 88 does, it applies to a universe. It applies to a group of individuals who are affected by the tort law of our state. What Senator Warner is suggesting we do is simply remove a section of that universe and says this rule does not apply to them. We do that all the time. We exclude Class I schools from audit provisions as Senator Smith is now working on. We exclude first class cities from particular measures. We exclude counties under a particular population. Certainly is a fair idea for consideration by the body. The fact that there is another bill out there for consideration that can be used for this. Maybe that would be a better approach. Maybe many of us would prefer to see that bill, the battle fought on that bill, but again, that is not the issue at hand here. I think it's important, I know I'm repeating what other people have said, but I think it's important on issues of germaneness and issues of rules interpretation to as great an extent as possible we separate how we want the rules applied from what the particular issue is in front of us. And too often we use a rule overruling the Chairs and other things as test votes on how strong a particular measure is. When you see my vote go up there to overrule the Chair in this case it's not because I think the Warner amendment is a marvelous amendment. I think maybe for the first time in his many years that Senator Warner may have an idea that is not very good. That's not bad for once every 30 years for somebody to come up with an idea that's not that