

SENATOR JOHNSON: If 940 does not pass and we have to rely on the state. . . oh I'm sorry, if 940 does not pass, that is right, he will have a little bit more he can call his own. If he takes a bankruptcy out. That is right.

SENATOR VICKERS: Thank ya, Senator Johnson. I would simply point out to the body that the problems that rural Nebraska is facing this year there is liable to be some unfortunate incidences where the farmer that through no fault of his own might be finding himself in this sort of a situation. I for one am going to support Senator Johnson in this attempt.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, I'm looking at the way this bill was handled and when I look at page 1608, I'm speaking in favor of Senator Johnson's motion. On page 1608 of the Journal we see where Senator DeCamp offered an amendment to LB 940. When we get to page 1618 of the Journal we see that the Chair rules his amendment not to be germane. His amendment was to strike all of the provisions of LB 940 and substitute a new bill. Senator DeCamp succeeded in suspending the rules and his amendment was adopted. Article 3, Section 14, of the Constitution of Nebraska tells the form that bills are to take in order to comply with constitutional requirements. Under that article and section of the Constitution are a number of case notes mentioned. If you go to the bold number five that deals with legislative procedure the second case under number five is State versus Cox found in 105 Nebraska 75. I'm offering this for the record. The footnote says, "Substituting an entire new bill by amendment is not unconstitutional where changes are germane". I think the Journal establishes that the amendment offered by Senator DeCamp was not germane, that it was the substitution of an entirely new bill and the only way that can be constitutional is if the new bill is germane to the original subject matter of the bill to be amended. That is not the case. The Journal is a record officially of legislative proceedings and although the Legislature can vote to suspend the rules of the Legislature, it can not buy votes to suspend the Constitution. So, since we are putting things into the record for future reference, I do believe that there will be litigation on this matter and I want to put ammunition at the disposal of whoever will attack what the legislature has attempted to do in the eleventh hour with LB 940. Remember, we can put bad legislation on the books. We can buy law suits for people. We can try to placate various segments of the business and financial community. We can abdicate our responsibility but the court system is there to erase the errors committed by the Legislature and I do believe one was committed in this instance. There is case law on the