LBs 202-240 for the first time by title. See pages 100-108 of the Legislative Journal.)

Mr. President, I have a notice of hearing by Senator Rod Johnson who is Chair of the Agriculture Committee for Tuesday, January 17.

Mr. President, Senator Hannibal would like to announce that Senator Conway has been selected as Vice-Chair of the Intergovernmental Cooperation Committee.

Mr. President, a new resolution, LR 3. It is offered by Senator Baack and a number of the members. (Read brief explanation. See pages 108-109 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have a request from Senator Smith to withdraw LB 112. That will be laid over. I believe that is all that I have, Mr. President.

PRESIDENT: Senator Lynch, are you ready to go back to work now? We will return back to adopting of permanent rules. Senator Lynch.

SENATOR LYNCH: Mr. President and members, I have one more proposed committee amendment, simple little amendment. It has to do with cloture. This change would adopt a cloture rule that would become effective after 12 hours debate at each stage of debate on any appropriation bill, and after 8 hours at each stage of debate on all other bills. To briefly explain it, and then Senator Moore will take it from there, let me give you a scenario. Some of you may be familiar with 428, the motorcycle helmet bill. It was my bill. An amendment, say, was offered under this rule by Senator Moore to the bill. As you know, sometimes amendments can take and need more time for discussion and debate than the bill, itself. After 8 hours of debate on Select File, I would move for cloture, or if that bill happened to be a committee bill, the chairman of the committee would move for cloture. The presiding officer then, under this proposal, would immediately recognize the motion and orders debate to cease on Moore's amendment. The vote on the Moore amendment would be taken without further debate. After that, a vote on the cloture motion without debate, 33 votes would be needed for that motion on cloture would be successful. If the cloture motion were successful, a vote on the advancement of the bill,

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the motion to advance the bill.

SPEAKER BARRETT: The bill is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes. Mr. President, a motion from Senator McFarland to rerefer LB 225 from Urban Affairs to the Education Committee. That will be laid over. Judiciary reports LB 80 to General File, LB 82 General File, LB 200 General File, LB 201 General File, LB 204 General File, those are signed by Senator Chizek. Banking Committee reports LB 92 to General File with amendments attached, signed by Senator Landis as Chair. (See pages 451-52 of the Legislative Journal.)

Judiciary offers notice of hearing, Mr. President, for Friday, February 3, and February 22. Mr. President, in addition to that notice, a notice from Senator Warner, as Chair of the Credentials Committee regarding a meeting of that committee on Friday at twelve o'clock in Room 2102. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to LB 142.

CLERK: Mr. President, LB 142 was a bill introduced by Senators Baack and Conway. (Read title.) The bill was introduced on January 5, referred to Transportation, advanced to General File. I have Transportation Committee amendments pending, Mr. President. (See page 439 of the Legislative Journal.)

SPEAKER BARRETT: The Chair of the Transportation Committee, Senator Lamb. (Gavel.)

SENATOR LAMB: Thank you, Mr. President. This is another bill similar to the last one, disabled American veterans license plate, $5 fee. The committee amendments establish the $5 fee, also provides the logo D.A.V on the bottom of the license plate, and then this bill is also used as a vehicle to change the fees for Pearl Harbor survivors and ex-prisoner of war special plates to be consistent with the $5 fee, and provides for an effective date of January 1, 1990, so that these new plates will not have to be issued before the new round of plates are issued in 1990. So that would save that expense. The arguments in regard to the $5 fee have already been made on the previous bill, and this amendment merely brings the disabled American veterans and the

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber on Friday, January 27th. Chaplain of the day, Pastor Jerry McInnis of Trinity United Methodist Church in Lincoln. Reverend McInnis, please.

REVEREND McINNIS: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend McInnis. We hope you will be able to come back again. Roll call, please.

CLERK: There is a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: (Read correction as found on page 458 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Any reports, messages, or announcements.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 256 and recommend that same be placed on Select File; LB 175, LB 261, LB 115, LB 283, LB 284, LB 58, and LB 142, all reported to Select File, some having E & R amendments attached. (See pages 458-60 of the Legislative Journal.)

Mr. President, your Committee on Judiciary, whose Chair is Senator Chizek, reports LB 159 to General File, and LB 138 to General File with amendments, both signed by Senator Chizek. (See page 460 of the Legislative Journal.)

Judiciary offers notice of hearing, Mr. President; and LR 20 is now ready for your signature, Mr. President. That is all that I have.

SPEAKER BARRETT: Thank you. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 20. Item 5, Mr. Clerk.

CLERK: Mr. President, I have a motion from Senator McFarland to rerefer LB 225 from the Urban Affairs Committee to the Education Committee. Senator McFarland filed his motion yesterday. It is found on page 451 of the Journal.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator McFarland, please.

SENATOR McFARLAND: Thank you, Mr. President. On your desk, for those of you who arrived early, is a little memorandum that was distributed to members of the city council. It has to do with LB 225 and whether that bill is, in fact, an education bill or a bill that is concerned with zoning or with city limits. This, LB 225, has gotten a little publicity, at least in the Lincoln papers, because it deals with the concept of choice in education. In some ways, it is kind of a mini-LB 183 that Senator Baack introduced. Senator Baack introduced a concept that parents should have the option to send their children to whatever public school district they want to. This bill is a smaller form of that because it pertains specifically to the City of Lincoln. The proposal in 225 is that any person who lives in the three-mile zoning boundary around the city limits of Lincoln should be able to opt into the Lincoln Public School systems if they transfer their property into the Lincoln School District for tax purposes. The bill is, in part, introduced by me because of the absurd situations we get into sometimes here in the City of Lincoln where you have a family that may live only two or three miles from a Lincoln Public School, they may just live just outside the city limits, but because of the way school districts boundaries go, they end up having to travel 10, 15, 20 miles to get their children to Malcolm or to Norris or to Waverly or some of the other surrounding school districts. When the bill came back from the bill drafters, the change that had been made was not in the education laws, but because it had to do with zoning, it was put in the zoning laws, although I think it is really an education issue. That is why I have asked that it be rereferenced to the Education Committee. I sent a memo around to you earlier, I trust that maybe you have read, explaining the situation and how it all came about. In the Education Committee, the Education Committee has already heard the choice in education bill that Senator Baack and Senator Bernard-Stevens introduced. The Education Committee has also heard a bill by Senator Warner that has to do with limiting the choice of persons whose property may be divided by a school district boundary because, at the present time, that family has a choice of sending their children to two different school districts if they have property located in both districts. Senator Warner's bill would say you take where the majority of the property is or where the residence is and that is the school

district they are required to attend. The issue has been discussed before the Education Committee. The bills, those two bills are sitting in the Education Committee waiting for action and waiting for amendments, and it seems to me to be consistent, LB 225 should be in the Education Committee as well. If you look at the memorandum from the city attorney and just take a look at it, the underlined portion, he is talking to the city council members and it says, this is really a school district matter. It is not a matter for the city council. It is not a matter for Urban Affairs Committee that it has been sent to right now, and he talks about the rights, and he even points out that the bill drafters put it in the wrong section of the statute, that it should be in the education laws, and he said, I know that it would seem to me that this is not the right statute to be amending precisely because it is a school district issue. And for that reason, it seems to me appropriate that it be rereferenced to Education. The people that testified in both support or opposition to Senator Baack's bill, on 183, on choice in education, and Senator Warner's bill, on determining the district to which a particular family should send their children if their property has been divided by a school district boundary, the same people that appeared at those hearings will be the same people that will appear on LB 225. As a matter of fact, I talked with the City of Lincoln people, John Goc, their lobbyist. I talked with Mayor Harris last night. They have taken a position that this is really a matter for the Board of Education, they will be concerned about it. They do not...my understanding is that they may not even appear at the debate on the bill, and it just seems perfectly consistent, we are going to have the Board of Education and school district people coming in to argue this issue, it should not be before the Urban Affairs Committee because that is something where you involve the city councils, you involve the mayors, you involve the city government in it. It would seem inconsistent to me to have this before the Urban Affairs Committee and then have all the people coming in are Board of Education members, school district administrators, and parents and it's something that would be more appropriate in the Education Committee. And, as I say, the city attorney's memo is perfectly clear that it is a school district matter, it should be in a different statute, and maybe it should...and as a matter of fact, quite frankly, maybe one of the things that I would want to do with this bill is amend it so that it would be in the education statutes because that would be more appropriate, and I have even indicated that to the city council people, that it would probably be amended into the

education statutes. And so, for that reason, I think it is perfectly appropriate that it would go to the Education Committee, because really it is a mistake as to which statute was amended, and I think the Executive Board assigned it to the Urban Affairs Committee just looking at the section of statute it was in rather than dealing with the subject matter of the bill. So, for that reason, I would respectfully ask that you rereference it, just as you did rereference Senator Pirsch's bill the other day. Thank you.

SPEAKER BARRETT: Thank you. Discussion on Senator McFarland's motion to rerefer LB 225. Senator Hartnett, followed by Senator Withem.

SENATOR HARTNETT: Mr. Speaker, members of the body, do we in this body go on the intent of a resolution or a bill? I agree with Senator McFarland if it is going to be education, it should be in Section 79. It should have been drafted that way. The person, the senator carrying it should have, you know, saw that it was that way, and I think it deals with...it is in Section...Chapter 15. This is dealing with city issues, the primary city issues, and I think that you are talking about jurisdictions of the zoning of cities. We heard in the Urban Affairs Committee a bill the other day dealing with surface water. That could have been in Senator Schmit's thing, in his committee, or it could have been in the Urban Affairs Committee, and it was simply assigned to my committee simply because it dealt with the zoning jurisdiction. And so I think bills dealing with that, we are familiar with that, for the couple last year. We have had an interim study on annexation. A few of the people that Senator McFarland are talking about that appeared at Education Committee also appeared at an interim study this summer dealing with annexation and there is some concern. But I think that it if...as the bill is drafted now, and I suggested to Senator McFarland that he could in the Education Committee ask, as Senator Warner does just the opposite of Senator McFarland, is simply ask that it be...the education people look at it differently, but I think it deals with Chapter 15, and I am concerned about the precedent that we are going to say, well, it was an intent that it should go to this committee or that committee rather than what the thrust of the bill, and the thrust of the bill is to change jurisdictions, zoning jurisdictions of a primary city, which is simply Lincoln, and that is my concern that we are going to go on intent because many times the subjects overlap. Thank you.

SPEAKER BARRETT: Thank you. Senator Withem, Senator Warner on deck.

SENATOR WITHEM: Yeah, Mr. Speaker, members of the body, I am rising not because I have grave concerns about a particular piece of legislation but because I think the appropriate place for this particular bill to be referred is to the Education Committee, so I am going to support Senator McFarland's motion; not because we need more bills in the Education Committee because we don't, not because I want to take bills away from Senator Hartnett's committee. Senator Hartnett's committee deals quite well with all legislation referred to it and I am sure it would deal fairly with this, and also I hope Senator McFarland hears this, not because I am promising any fairer treatment or more favorable treatment to his piece of legislation if it comes to the Education Committee. It will be considered on its merits like others are, but I think he raises the point, the appropriate point that the effects of passing or not passing this legislation are not going to affect cities, they aren't going to affect urban affairs types of jurisdictions. They are going to affect the education of young people, what schools do people go to. I think it is interesting they made some reference to the bill Senator Warner introduced that we heard the other day. After hearing that bill, I thought that is an urban affairs issue, it should not have come to our committee. We have already have heard the issue so it is probably a little too late to rerefer it. If we don't advance it, Jerry, maybe you'll want to consider having it rereferred after our hearing, and see if it is treated more fairly over there, but it was definitely a question of annexation policy and it was not a question of education, but it got referred to our committee somehow. Senator McFarland's bill, the effect of it will be that kids have a choice of going to one school district or to another, if it passes, the question of whether we ought to allow this type of cross-district transfer of students. It is an educational question. I think Senator Hartnett raised an interesting philosophical question and that is, should we be referring bills specifically along the lines of where they lie in the statutes or should we refer them as to what the intent of the legislation is, and I would argue the latter, that we ought to be referring bills to the committees that have the expertise and the experience in dealing with that type of legislation. Let me give you another example. It doesn't have anything to do with any bills that got introduced this year but has to do with

some bills that were referred to the Education Committee over the last couple of years. Senator Beyer, Senator Moore, other legislators have been introducing bills that deal with school bus legislation, not transportation as an education policy, but the type of training that bus drivers ought to have, how school buses, whether they ought to be used for purposes other than transporting kids back and forth to school. Those have been referred to the Education Committee because they fall in a narrow statutory portion of the statutes that is within the Education Committee's jurisdiction. Those bills have no more business being in the Education Committee than the man in the moon does. Those are transportation issues. Those are issues that Senator Lamb and his committee have developed the expertise in working with. They have the expertise on their staff to understand safety requirements, public service committee sorts of requirements. They ought to go over to the Transportation Committee, not be in the Education Committee. Likewise, a bill like this that deals with how kids move from one school district to another ought to be referred to the Education Committee and I am going to vote to have it rereferred. It will not be the end of the session. The institutions of the Legislature will not crumble...

SPEAKER BARRETT: One minute.

SENATOR WITHEM: ...if this bill does not get rereferred, but I think it is the proper place for it. I know Senator Warner feels that both of these bills deal with planning and land use. I really don't think this one does. I think he can argue that his does, and his probably ought not to have been in front of our committee. It is a little late now, probably, but his probably ought not to have been there. This one does deal with education policy and where kids ought to be going to school. For that reason, I am going to support Senator McFarland's motion.

SPEAKER BARRETT: Thank you. Senator Warner, followed by Senator McFarland.

SENATOR WARNER: Well, Mr. President and members of the Legislature, obviously, I suppose anything I say on this is suspect in the fact that the bulk of the area that is affected by Senator McFarland's bill would lie in the 25th Legislative District, perhaps almost in its entirety, but not quite, but that is not my reason for rising. Reference has been made to

the bill that I introduced which was assigned to Education Committee and which I had no objection to having it assigned to Education Committee as of the history of how that bill came about. And the history of that bill was significantly different in that I believe Senator Withem had the bill originally, which when property was subdivided in lots or in areas smaller than five acres, and through the process of subdivision, a lot was inadvertently placed in two different school districts, that then the owner of the property had the option of determining which of the two districts it would be in, and that was a sensible approach, and it was designed for a specific situation. As time went along, there was an effort on the part of the City Council of Lincoln, subsequently vetoed by the mayor, to annex a strip of land along a road artificially creating a split...described property as artificially creating a split lot, and when that was accompanied with the existing law, which I do support, that as Lincoln annexes property into the municipality that it then automatically becomes a portion of the Lincoln School District, which is in place so that there is not more than one school district within the city limits and that is good policy. But when these two things were split a d the only reason that the city council took a strip was to avoid annexation of the residences because they could not serve them with water and sewer and the other amenities that annexation requires. The reason it went to the Education Committee because the original bill, in fact, was an education boundary, school district boundary bill. The second time it went in because the utilization of a bill that was considered and recommended by the Education Committee was used to do something beyond what was contemplated by the introducers or I suspect the committee and certainly by the Legislature when it was enacted. So it was proper to go back there. Senator McFarland's bill, while it deals with the same issue, the thrust of this is significantly different, and the thrust is as a matter of public policy that will not just affect Lincoln, does not just affect the 25th Legislative District, but it will affect every incorporated municipality in this state because we are now inserting that zoning and the zoning area of a municipality is not only land use but it extends beyond land use and it becomes the basis for establishing a school district boundary. And I would suggest that the purpose of land use, which is what zoning and zoning areas is involved with, is not compatible nor should it be mixed up with where a school district boundary might be, or where the option of someone wishes to have their school. They are very separate items.

SPEAKER BARRETT: One minute.

SENATOR WARNER: And I think that the original reference...and you understand if I was concerned about the Education Committee acting on this issue, I would have objected, I suppose, to the bill that was referred to Education that I introduced, and I did not object, and I had no objection, but I think that the thrust is a proper one and that is what is the proper use of zoning and the zoning jurisdiction, and should it be expanded to include things other than land use, which, historically, and I cannot recall at least any basic exception for that in the law other than land use and I think zoning ought to remain a land use issue, and not become intermingled with school district boundaries or other matters which are totally outside the realm...

SPEAKER BARRETT: Time.

SENATOR WARNER: ...of proper land use.

SPEAKER BARRETT: Thank you. Continued discussion, Senator McFarland.

SENATOR McFARLAND: I would call the question, Mr. Speaker.

SPEAKER BARRETT: The question has been called by Senator McFarland. Do I see five hands? I do. Those in favor, then, of ceasing debate please vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 25 ayes, 1 nay to cease debate, Mr. President.

SPEAKER BARRETT: Motion prevails. Senator McFarland, to close.

SENATOR McFARLAND: Mr. Speaker, I see that we are not very many people on the floor yet and this does take 25 votes, and so before closing, I would respectfully request a call of the house.

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: A point of order.

SPEAKER BARRETT: State your point, please.

SENATOR WARNER: My inquiry, and I gave thought, and I don't recall if the rules provide it, but one of the things that has troubled me for a long time is that if a call of the house is made prior to a closing, it denies the opportunity to the membership, as a whole, to hear both sides of an issue, and I don't know if the rules permit...I just do not recall if the rules permit the use of a call of the house to hear a closing argument rather than for purposes of the vote on the issue. So it is a point of order at the timing for a call of the house.

SPEAKER BARRETT: Thank you. In this particular instance, the Chair is of the opinion that the call of the house is not in order at this point but would be very happy to offer that to the body following closing by Senator McFarland, if that is his wish. Senator McFarland. The Chair recognizes Senator McFarland.

SENATOR McFARLAND: Maybe the Clerk should indicate what I am discussing now as far as the motion, I assume the motion is up there.

SPEAKER BARRETT: Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator McFarland is moving to overrule the Chair.

SENATOR McFARLAND: Thank you. This is a nice time to do this. This is the first item that is being heard today. A lot of people checked in, and when I checked with the Clerk, there were only 36 or 37 members within the Legislature. This requires a vote of 25 people in order to get it passed. It seems particularly appropriate to ask for a call of the house to explain the situation so people aren't running in here and voting and not knowing what they are voting about. Senator Korshoj just says we always do that. He is probably right. Now as far as the call of the house, and that is...I don't always ask, I usually am reluctant to ask for a call of the house unless the vote is not there. There has been some dispute about this. There is a question about whether this should be rereferred. I don't think it is a major issue but the fact of the matter is for members to understand what the bill is about it seems appropriate that they would be here to hear the closing because many of them are out starting their day doing other things. Now as far as the procedure of having the ability to call...have a call of the house, that has been something that I

have seen done in here on certain occasions, at least four or five times in the past two years that I have been in session, and I can recall Senator DeCamp doing it. I can recall, I think, Senator Haberman doing it. I can recall myself doing it on two occasions. Never has there been an objection. Never has there been a ruling that that is not proper or in order. I don't understand the Chair's ruling in this particular instance. Now I know the Chair can defer to Senator Warner's 18 or 20 years of experience, or whatever he has, and I appreciate all the public service that Senator Warner has gotten, but we don't rule, make rulings on the basis of seniority around here. We are supposed to make rulings that are consistently applied throughout and across the particular body, and so I would respectfully request that you overrule the Chair's ruling on it because certainly the Chair in the past two years has not ever made a ruling of this nature before on any other occasion that I can recall. Thank you.

SPEAKER BARRETT: Speaking to the question of overruling the Chair, any member may speak once. Senator Warner, you are next, followed by Senators Withem, Moore. Senator Warner.

SENATOR WARNER: I am reading.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members, several things I want to say, I guess. Number one, I am reluctantly standing to support the motion to override. I don't think the rules provide for the type of ruling that was made. I think they should. I tend to agree with the intent of Senator Warner's question that it is unfair for an individual to make a call of the house when people come up to the floor and all they will hear will be the one side. Unfortunately, we have to operate under our rules as they are listed. I think I also want to say that I object to some of what Senator McFarland said in his opening. I do not think the Speaker of this Legislature rules on anything other than how he views the rules, and I object to the characterization that we may be showing favoritism from the Chair, and I don't think that is the case, and I want to make that statement, but I don't think the rules provide for any restrictions on the timing around which a person can ask for a motion to place the house under call. As a matter of fact, I believe we debated this, the Rules Committee, a couple of years ago, attempted to put a restriction on when the call of the

house could be given because I objected to it and I think...and I don't know what Senator Landis is going to say, I see his light is on, but I recall he and I having several discussions on we, as individuals, using our time to serve our constituents, as we saw fit, objecting to being called back to the floor to hear debate. And a rule change was brought to the floor saying you can't do that, you can't bring people to the floor simply to hear debate, that that is not a fair use of the power of the body over a member's time, and we rejected that change. The body went on record at that time saying, yes, it is fair to place the house under call, and if people object to placing the house under call at a given time, there is a simple way of dealing with that and voting no. Why Senator Korshoj does an excellent job each time the motion has been made of pushing his red button. It is not that big a deal, Frank. I am not giving you that much of a compliment. You don't have to necessarily pay that much attention but he does vote no on calls of the house, and we can do that. If we think it is unfair, that Senator McFarland is asking for an unfair advantage at this moment by bringing the body back in to hear his motion, we can vote no on it, and I think that is what the Legislature said at that time. I would like to see us restrict this call of the house to only coming in to vote on measures. I think it would be a fair rule change, but I don't think our rules provide for that and I don't know that there is a basis in the rules for this particular ruling. So I am reluctantly going to vote in favor of the override.

SPEAKER BARRETT: Senator Moore, please.

SENATOR MOORE: Mr. Speaker and members, like Senator Withem, I, too, somewhat reluctantly rise to urge you to overrule the Chair. I also agree with Senator Warner's frustration in the timing of this call of the house but the fact of the matter is I don't know how you can read the rules and think that Senator McFarland's motion is out of order. I think the proper thing to do, probably, is to overrule the Chair, and if you really don't want to have a call of the house, then vote against Mac's motion. But I don't think...my reading of the rules, I don't simply understand how this motion could be out of order. Once again, as we always do when we deal with rules like this, we are setting a precedent, and if you would side with the Chair on this matter, the only time in the future, theoretically, you could have a call of the house is for the actual vote, and that sure has not been the precedent this body has operated under the

years that I have been involved here in the Legislature. I remember two years ago we did discuss this very issue of when a call of the house would be in order. I can't, off the top of my head, remember what exactly that proposed rule was, or if I remember correctly, the rule was putting in the rules exactly how the Speaker has ruled here, but we did not adopt the rule at that time. Now there was some discussion on whether the call of the house would only be in order for a vote, or only be in order for a closing, or when exactly it would be in order. We did not adopt any rule at that time. There is no rule there in place that says when a call is or is not in order, and because of that, given the fact that in the past we have always allowed people to have a call of the house when they so choose, I think now is, unfortunately, though I hesitate to disagree with Senator Barrett and Senator Warner, I think we should overrule the Chair. If you are really against Senator McFarland's call of the house, then vote against it, but to be consistent, I think we should overrule the Chair on this issue.

SPEAKER BARRETT: Thank you. Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, in law school, they say, go to the books, go to the books. Well, turn in your rule book to page 51 because that is where it is. It is Rule 7, Section 5, simple matter. A call of the house may be made by any member of the...any member, rather, in the manner following: "I move for a call of the house." And here is the critical sentence, "The presiding officer shall direct that the board be cleared and the members shall vote on placing themselves under call." The presiding officer has the responsibility to place the matter before us, if we ask it. It is our prerogative to ask. It is not the prerogative of the Chair to pick and choose among those which the Chair wishes to entertain or not, but that the Chair shall hear. Now I, too, feel exactly the same way as Senator Withem and Senator Moore. I think the use of the strategic call of the house for debate purposes is unfair, and I have a tendency to vote against it when asked my opinion, but it is my opinion and the rest of s that should be asked. This is our decision. Frank Korshoj regularly votes red on calls of the house. More of us should join him. Every now and then we defeat a call of the house, when we think somebody is...it has been known to happen I would say ten times in the 11 years that I have been here, when we think that the process is being abused. Maybe we should cast a few more red votes when we do it, but it is our vote to cast and

the rules say so. The Chair is mistaken in its ruling and should be overruled.

SPEAKER BARRETT: Thank you, Senator Landis. Thank you for calling attention to the specific rule. At this particular juncture, the Chair would advise the body that the Chair's memory was going back on this ruling to January 6th of 1988 in which this issue was discussed. There was, at that time, a motion filed to do just exactly what the Chair ruled. There was also an amendment offered at that time which was adopted to exclude or exempt what we are talking about today. So, in that event, the Chair gracefully acknowledges what the body is suggesting to the Chair, and would rule Senator Warner out of order. Senator Warner.

SENATOR WARNER: Just to clear the record, Mr. President, I did not ask for a point of order. I asked for a point of information as to clarity of a rule because I recall the discussion as others had recalled and I intentionally passed at my first opportunity to speak because I was then studying the rule, and I concur with what you have now said, and I believe that that is correct as well as Senator Withem and Senator Landis and others, and I would also express my appreciation to Senator Withem who very explicitly in his remarks referred to the fact I had raised a question, not a point of order.

SPEAKER BARRETT: Thank you, sir, and your point is well taken.

SENATOR McFARLAND: Mr. Speaker, can I rise for a point of order.

SPEAKER BARRETT: State your point, Senator McFarland.

SENATOR McFARLAND: The point being made, Senator Barrett, I will withdraw the request for a call of the house and I would like to proceed with closing.

SPEAKER BARRETT: So be it. Senator McFarland, to close on his motion to rerefer.

SENATOR McFARLAND: Thank you, Mr. Speaker. I apologize for the comments here. This...I am speaking on my closing on behalf of rereferencing LB 225. I think there are enough members here present, and I see people have come in, and there are enough people to get the 25 votes. For those of you who have not

heard, there has been a disagreement as to which committee this particular bill should be referred to. LB 225 is a bill that would allow families who live within the three-mile zoning area of Lincoln to choose to send their children into the Lincoln Public School District instead of having to transport them 15 or 20 miles to Waverly or Malcolm or Norris High School. It is an absurd situation that I think we need to address. We have heard the free-choice bill that Senator Baack has had before our committee. We heard a bill that Senator Warner had concerning the choice issue. The same people that testified on those bills will testify on this bill as well. If you look, if you have had a chance to look at the memorandum from the city council attorney for the City of Lincoln, he said this is really a school district matter, it is a school district issue and I think that this should probably be before the Education Committee. It is not a major item. I am sure the Urban Affairs Committee could conduct a very reasonable objective hearing on the matter. My point in doing it was for convenience and to save time because these issues have already been before the Education Committee, they have heard them once. They are familiar with them, and they could give a more...it would not take them as long or as much testimony to try and examine them, and so, therefore, considering that, I would ask that you rereference this bill to Education Committee, just as Senator Pirsch's bill the other day was rereferenced. The only reason it was referenced to the Urban Affairs Committee was because it was...it was in the zoning statutes, not in the education statutes. But as the city attorney indicates, it should be amended to be in the education statutes, and as a matter of fact, it is an education bill. We should assign bills to committee on subject matter, not just because what happens to be the statute that is being amended, and I would yield the rest of my closing to Senator Lamb that wanted to make a couple of comments.

SPEAKER BARRETT: Senator Lamb, please.

SENATOR LAMB: Mr. President and members, I serve neither on the Urban Affairs or Education Committee, and this certainly does not affect me directly, but I did serve on the Education Committee for ten years and it seems to me that this is a subject that the Education Committee deals with all of the time, and while the ramifications of this bill may directly affect urban areas at this point, the long-term ramifications are much more widespread, and so it seems to me that logically this bill

should be in Education.

SPEAKER BARRETT: Thank you. The question is, then, the rereferencing of LB 225 from Urban Affairs to Education. Those in favor please vote aye. opposed nay. Have you all voted on the rereferencing of the bill? Have you all voted? Record, please.

CLERK: 13 ayes, 20 nays, Mr. President, on the motion to rerefer.

SPEAKER BARRETT: Motion fails. The Chair is pleased to take this opportunity to introduce some visitors from District 10, Senator Pirsch's district, Barbara and Kim Dutiel from Omaha with Joy Sanderson, an exchange student from Tune, Denmark. Would you folks please stand and be recognized. We are glad to have you with us this morning. Thank you. For the record, Mr. Clerk.

CLERK: Mr. President...oh, no.

SPEAKER BARRETT: Thank you. Select File, please.

CLERK: Mr. President, Select File. The first bill, LB 126. Senator Lindsay, I have no amendments to the bill.

SPEAKER BARRETT: E & R Chairman, Senator Lindsay.

SENATOR LINDSAY: I move that LB 126 be advanced.

SPEAKER BARRETT: You have heard the motion to advance LB 126. Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 229.

CLERK: LB 229, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 229 be advanced.

SPEAKER BARRETT: Thank you. Shall LB 229 be advanced? Those in favor vote aye. Opposed nay. Carried, the bill is advanced. LB 230.

SPEAKER BARRETT: Thank you. Discussion? If not, those in favor of the advancement of the bill vote aye, opposed nay. On the advancement of the A bill. Record.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the motion to advance LB 449A.

SPEAKER BARRETT: The bill is advanced. Messages on the President's desk.

CLERK: Mr. President, your Committee on Banking, whose Chair is Senator Landis, reports LB 466 to General File with amendments, that is signed by Senator Landis. Urban Affairs Committee, whose Chair is Senator Hartnett, reports LB 756 to General File, LB 244 to General File with amendments, LB 216 indefinitely postponed, and LB 225 indefinitely postponed, those signed by Senator Hartnett as Chair. (See pages 1031-32 of the Legislative Journal.)

A new A bill, Mr. President, LB 290A by Senator Smith. (Read for the first time by title. See page 1032 of the Legislative Journal.)

I have an announcement, Mr. President, that the Natural Resources Committee will have an Executive Session in Room 1517 at one thirty today; Natural Resources at one-thirty in Room 1517 today. And a meeting notice, Mr. President, of the joint meeting of the Appropriations and Education Committees for Monday, March 20 to review the report of the Nebraska Coordinating Commission for Postsecondary Education. That is all that I have.

SPEAKER BARRETT: Senator Weihing, would you do the honors, please.

SENATOR WEIHING: Mr. Chairman, I move that we adjourn until nine o'clock, Thursday, March 9.

SPEAKER BARRETT: Thank you. You have heard the motion to adjourn until tomorrow morning at nine. Those in favor say aye. Opposed no. Ayes have it. Motion carried. We are adjourned.

Proofed by: Sandy Ryan
Sandy Ryan