

April 12, 1983

LB 225, 225A

SPEAKER NICHOL: The question is shall the House go under Call. All those in favor vote aye, opposed nay. Question is shall the House go under Call. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays to go under Call, Mr. President.

SPEAKER NICHOL: House is under Call. Will you please return to your seats? Sergeant-At-Arms please secure, please seize those who are outside the Chambers. Those listening on their PA system, please return to the floor and indicate your presence when you're here. Thank you. We're looking for Senators Fenger, Chronister, Labedz, Landis, Sieck, Senator Warner, Senator Wagner, Senator Wesely, Senator Rupp, Senator Pirsch. Please indicate your presence. Senator Sieck. Thank you. Senator Hannibal has asked for a roll call vote. Okay, proceed Mr. Clerk.

CLERK: Roll call vote taken. (See page 1473 in the Journal). 28 ayes, 10 nays, Mr. President, on motion to advance the bill.

SPEAKER NICHOL: The bill advances. 225A.

CLERK: I have nothing on the bill, Mr. President.

SPEAKER NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President, I move the advancement of 225A to E & R Engrossing.

SPEAKER NICHOL: Senator Chambers, do you wish to speak to it?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, and you can seek an Attorney General's opinion if you want to show that I am probably wrong, but I think what Senator Newell's amendment did was to create an unconstitutional class legislation bill. Setting an age has to be connected with something. There has to be a basis for it. A rational relationship between either a requirement or an exemption. To arbitrarily accept. . . set the age of 65 to prevent somebody from doing something is discriminatory. To set the age of 65 arbitrarily to exempt somebody can be discriminatory against those who are not 65. There is no relationship in rationality whatsoever between what an embalmer does and the age of 65 and the purposes of continuing education and why you should exempt somebody 65. You can not rationally demonstrate that a person 64 has a greater need for continuing education than one 65. So I think it is a piece of unconstitutional class legislation but that has never bothered the Legislature before so you may as well go ahead and do what you are going to do, but for my part I am opposed to it.