

CLERK: Mr. President, then we have a series of motions here. The first one is by Senator Dworak, who isn't present. The second one is by Senator Bereuter, who isn't present. Dworak is here? Alright, Senator Dworak...well earlier he had gotten excused. The first amendment Mr. President. I move to return LB 398 to Select File for specific amendment. Signed, Senator Dworak.

SENATOR BARNETT: Senator Dworak.

SENATOR DWORAK: (no response)

CLERK: Read Dworak amendment.

SENATOR BARNETT: Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues I think that the amendment is self explanatory. When Senator Newell introduced his amendment I had...

SENATOR BARNETT: Senator Dworak, just a moment please. Clerk advises me that the bill did not advance so that amendment....

CLERK: My apologies Mr. President. LB 398 yesterday failed to advance and it was replaced there yesterday for an E & R amendment. So, nothing else can be considered on it until you readvance it.

SENATOR BARNETT: Can we take up LB398 right now Senator Cullan and then bring it back. Could we do that?

SENATOR CULLAN: Mr. President, members of the Legislature. I move that LB 398 as amended be advanced to E & R for Engrossment.

SENATOR BARNETT: Alright the motion is to advance LB 398 as amended. All those in favor say aye, machine vote? Senator Cullan wants a machine vote. The advancement of LB 398. All those in favor vote aye, those opposed vote no. Senator Barnett voting aye. It takes 25 votes. Senator Newell.

SENATOR NEWELL: A point of order. Is it necessary for this...if this bill fails to advance this time, will it be considered dead? Is this the second time and consequently is that a rule? I'm asking for a ruling on that if I could.

SENATOR BARNETT: This would be the second time and if it fails to advance, it is the Chair's understanding that the bill will be indefinitely postponed. Have you all voted? Senator Kahle.

SENATOR KAHLE: Mr. Chairman I would ask for a Call of the House. I'm not supposed to comment I know, but there are amendments that could be put on this bill to make it palatable.

SENATOR BARNETT: The question is shall the House go under Call. All in favor vote aye, those opposed vote nay. Clerk will record.

CLERK: 22 ayes, 1 nay to go under Call.