

January 9, 1989

LB 112, 202-240  
LR 3

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,

March 15, 1989

LB 81, 89A, 163, 228, 270, 325, 339  
427, 438A, 521, 543, 580, 603, 764  
LR 2, 54, 55

CLERK: 29 ayes, 5 nays, Mr. President, on the advancement of LB...or LR 2, excuse me.

PRESIDENT: LR 2 is advanced. Do you have something for the record, Mr. Clerk, please.

CLERK: Mr. President, I do, thank you. New resolutions, LR 54, by Senator Bernard-Stevens. (Read brief description of LR 54 as found on pages 1153-54 of the Legislative Journal.) LR 55 by Senator Bernard-Stevens. (Read brief description of LR 55 as found on page 1154 of the Legislative Journal.)

Your Committee on Natural Resources reports LB 81 to General File with amendments; LB 163, General File with amendments; LB 270, General File with amendments; LB 325, General File with amendments; LB 764, General File with amendments. Those are signed by Senator Schmit as Chair. (See pages 1154-56 of the Legislative Journal.)

Education Committee reports LB 228 to General File; LB 543 to General File with amendments; LB 427, indefinitely postponed; LB 521, indefinitely postponed; LB 580, indefinitely postponed. (See pages 1156-57 of the Legislative Journal.)

Mr. President, Senator Coordsen would like to print amendments to LB 339 and Senator Lynch to LB 89A. (See pages 1160-61 of the Legislative Journal.)

Judiciary reports LB 603 to General File with amendments. Signed by Senator Chizek. (See pages 1157-60 of the Legislative Journal.)

New A bill, LB 438A, by Senators Wehrbein and Hall. (Read by title for the first time. See page 1161 of the Legislative Journal.)

Mr. President, an announcement. The Appropriations Committee will meet in Executive Session on Thursday, March 16, and Friday, March 17, at eight o'clock in Room 1003. Appropriations, eight o'clock next Thursday and Friday. That's all that I have, Mr. President.

PRESIDENT: (Gavel.) Senator Dierks, for what purpose do you rise?

March 30, 1989

LB 228, 488, 488A

that has widespread support and I'd urge you to accept it.

SENATOR LANDIS: Thank you, Senator Withem. There are no lights on. Closing? Closing? That doesn't look like a closing to me. All right, we'll proceed on in that case with a vote on LB 488. Those in favor vote aye, those opposed vote no. The Clerk will record.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill, Mr. President.

SENATOR LANDIS: It's advanced. Let's go on to A bill, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 488A was introduced by Senator Withem. (Title read.)

SENATOR LANDIS: Senator Withem.

SENATOR WITHEM: Yeah, with the change in the statute, the rules will have to be rewritten and published. We're appropriating \$10,000 for this year, 5,000 for next year to complete the republishing of the rules and regulations. Would urge the acceptance of the A bill.

SENATOR LANDIS: Thank you, Senator Withem. There is no lights. A closing? No closing. The question is the advancement of LB 488A. Those in favor vote aye, those opposed vote no. The Clerk will record.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the A bill, Mr. President.

SENATOR LANDIS: The bill is advanced. The next bill on your list, 741 has been pulled from the list, and the Chair has not been apprised about the fate of LB 228. Is a member prepared to take that on behalf of Senator McFarland? Well, in that case, let's have the reading of the record on LB 228, Mr. Clerk. Senator Withem will be taking care of this bill for Senator McFarland.

ASSISTANT CLERK: Mr. President, LB 228 was introduced by Senator McFarland. (Title read.) The bill was read for the first time on January 9. It was referred to the Education Committee. That committee reports the bill to General File.

March 30, 1989

LB 228A, 228

SENATOR LANDIS: Senator Withem recognized on behalf of Senator McFarland to introduce 228.

SENATOR WITHEM: Senator Landis, members of the body, LB 228 is a bill Senator McFarland brought to the Education Committee. It's a bill that was brought to the committee last year also and we just ran out of time. Deals with authorizing school districts to create contingencies funds to cover losses. Maybe I didn't even understand the bill particularly well last year, I think I do now, that we're not talking about reserve funds, we're not talking about keeping money back. We're talking about establishing a specific fund to which some funds can be set aside in case a loss comes up, loss meaning some sort of settlement of a lawsuit, some sort of insurance claim, something along this line to help pay the deductible on an insurance. The experts in the area of school finance, business managers and such tell us if there is a fund such as this set aside, that it helps considerably those business managers when they're out getting quotes from insurance companies, that through having this fund established and dedicated for the purpose of covering losses, they can get a lot lower bids on their insurance rates and can save taxpayers money in the long run. That's what the bill does very simply. If anybody has any questions or comments, I would attempt to respond to those. Senator Wesely has also indicated to me that he'd help out a little bit if we have any questions or comments on the bill. If there are none, I'd just urge you to advance the bill.

SENATOR LANDIS: There are no lights, Senator Withem. You're recognized for closing. Waives the closing. The question is the advancement of LB 228. Those in favor vote aye, those opposed vote no. The Clerk will record.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill.

SENATOR LANDIS: The bill is advanced. We'll move on to the A bill. I want to thank the members, the 25 of us who are here. We have been moving along quite expeditiously and we have but a few bills that remain. My suggestion is we should be able to complete our work in about 20 minutes if we'll all stay and continue to vote. Senator Withem will take LB 228A. Mr. Clerk.

April 6, 1989

LB 77, 99, 135, 143, 206, 213, 228  
228A, 247, 323, 324, 371, 381, 423  
486, 487, 487A, 488, 488A, 508, 509  
566, 592, 605, 627, 643, 669, 714  
722, 756, 781, 793  
LR 70

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day Dr. Paul Lundell of the Dundee Presbyterian Church in Omaha. Would you please rise.

DR. LUNDELL: (Prayer offered.)

PRESIDENT: Thank you, Dr. Lundell. We appreciate your message this morning. Roll call, please. Record, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do we have any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 77, LB 371, LB 592, LB 643, LB 714, and LB 781 as correctly Engrossed. Enrollment and Review also reports LB 99, LB 323, LB 143, LB 213, LB 381, LB 423, LB 509, LB 793, LB 605, LB 135, LB 324, LB 756, LB 206, LB 669, LB 486, LB 487, LB 487A, LB 488, LB 488A, LB 228, LB 228A, LB 627, LB 508, LB 722, and LB 566 to Select File, some of those having Enrollment and Review amendments attached. (See pages 1533-40 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 247 in the Legislative Journal. That's all that I have, Mr. President. (See page 1540 of the Journal.)

PRESIDENT: Okay. We'll move on to LR 70.

CLERK: Mr. President, LR 70 has been offered by Senators Ashford and Moore. It's found on page 1476. (Read brief summary of resolution.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. Last year we passed legislation which authorized the profession of

April 7, 1989

LB 228A, 228, 487, 487A

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 487.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Nothing further, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 487, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 487A.

CLERK: LB 487A, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 487A be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 228.

CLERK: LB 228, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 228 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 228A.

CLERK: LB 228A, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 228A be advanced to E & R for Engrossment.

April 12, 1989

LB 99, 135, 206, 228, 228A, 323-325, 381  
423, 487, 487A, 508, 509, 605, 627  
669, 722, 793

chemicals. There are other bills coming up this session that deal with solid waste disposal that I hope that we'll get to yet this session. So I think that there are people in this body who are committed to doing something in respect to the environment and I take some exception to the statements made by Senator Chambers on the fact that this body is not interested. I think we are interested and I think the message is beginning to come across to us that we need to begin to look at the environment, whether we come from the country or the city, it's just as important to all of us. So I support the bill and other bills. Hopefully, it will be forthcoming this session.

SPEAKER BARRETT: Thank you. There are no other lights. The question is the advancement of LB 325 to E & R Initial. Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB 325.

SPEAKER BARRETT: LB 325 is advanced. Messages on the President's desk, Mr. Clerk.

CLERK: Mr. President, Enrollment and Review reports they have carefully examined and engrossed LB 99 and find the same correctly engrossed, LB 135, LB 206, LB 228, LB 228A, LB 323, LB 324, LB 381, LB 423, LB 487, LB 487A, LB 508, LB 509, LB 605, LB 627, LB 669, LB 722 and LB 793, all reported correctly engrossed. (See pages 1671-72 of the Legislative Journal.)

Senator Abboud would like to add his name to LB 325 as co-introducer, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to adjourn us?

SENATOR SCHELLPEPER: I sure would. I would move we adjourn until April 13th at 9:00 a.m.

May 10, 1989

LB 228, 279, 588, 769, 813

that Senator Moylan wants is that they be nominated by district and, as Senator Hall pointed out in his questioning with Senator Labeledz, elected at large. This would not ensure the representation in each district by the person of the district's choice. It's a stratagem and, again, it's a chance for her to work off her peak that she feels because of 769. Again I say, I understand that and I believe she should be allowed to continue offering her amendments until she exhausts her amendments or exhausts herself. But, at any rate, I oppose this amendment, as I did the others.

PRESIDENT: Thank you. Senator Goodrich, please.

SENATOR GOODRICH: I move we adjourn until tomorrow morning at 8:00 a.m.

PRESIDENT: Mr. Clerk, do you have something to put into the record?

CLERK: Mr. President, I have amendments to be printed to LB 769, LB 228, and LB 813, and to LB 279. That's all that I have, Mr. President. (See pages 2289-91 of the Legislative Journal.)

PRESIDENT: Speaker Barrett, Speaker Barrett, are you recommending eight or nine tomorrow?

SPEAKER BARRETT: Eight o'clock.

PRESIDENT: Eight.

SPEAKER BARRETT: Absolutely.

PRESIDENT: Okay.

SPEAKER BARRETT: Thank you.

PRESIDENT: The motion has been made to adjourn until eight o'clock tomorrow morning. All in favor say aye. Opposed nay. You're adjourned until eight o'clock tomorrow morning. Thank you very much.

Proofed by:

*Sandy Ryan*  
Sandy Ryan

discussion? If not, those in favor of the motion vote aye, opposed nay. Please record.

CLERK: 33 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Coordsen, on your amendment.

SENATOR COORDSEN: I would just move the adoption of the amendment.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, those in favor of the adoption of the amendment offered by Senator Coordsen vote aye, opposed nay. Please record.

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of Senator Coordsen's amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Coordsen.

SENATOR COORDSEN: I move the readvancement of the bill.

SPEAKER BARRETT: Shall the bill be readvanced? Those in favor say aye. Opposed no. Carried, the bill is readvanced. Mr. Clerk.

CLERK: Mr. President, Senator Withem would move to return LB 228 to Select File for a specific amendment. That amendment may be found on page 2291 of the Journal, Mr. President.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Yeah, Mr. Speaker, members of the body. First of all, I'd apologize to Senator McFarland. I was reviewing some bills that came out of the Education Committee on Wednesday afternoon. Came across this one and noted that there was an amendment that I had meant to propose way back when it was in committee and we didn't. I had the amendment drafted and filed. I was gone to a conference on Thursday and Friday and haven't even had a chance to visit with him about this. What Senator McFarland's bill does, and may I also...maybe it ought to be pointed out that this was a bill that the Education Committee had heard last year, had advanced it with an amendment similar to the one I'm proposing to the full Legislature. We ran out of

time and did not get it considered. So what I'm proposing is an amendment similar to one that the Education Committee had proposed last year. LB 228 is a bill by Senator McFarland that would allow school districts to establish a contingency fund, that fund being used primarily to stand against potential losses, losses brought about through insurable types of losses. And it is the contention of the education community, the business managers' community anyway that having such a fund would allow them setting some money aside into this fund, would allow them to bring about lower insurance costs, which is a good idea and the committee advanced the bill. We did, a year ago though, put a kind of a safeguard in the bill so school districts would not be able to squirrel away huge sums of money into a contingency fund while keeping the property taxes as high and then just building up, and in essence using this as an excuse to build up a big reserve. So what we did, a year ago, was we put a percentage cap requirement that this fund could go no larger than, I think it was 2 or 3 percent last year. What I'm saying this year is, with this amendment, is that this fund would be no larger than 5 percent of the operating budget of the school district. It's my hope that the body thinks this is a good idea. It's my hope that Senator McFarland thinks it's a good idea, and I would urge you to return the bill to adopt this amendment.

SPEAKER BARRETT: Senator McFarland, would you care to discuss the motion?

SENATOR MCFARLAND: I just wanted to say I have no objection to the amendment, I think it's a good idea and it's a good bill. I'd urge you to vote in favor of returning it for the adoption of the amendment, and then advancing the bill. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? If not, the question is, shall the bill be returned? Those in favor vote aye, opposed nay. Record, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Withem, on the amendment.

SENATOR WITHEM: The amendment places a 5 percent cap that the Contingency Fund can be no larger than 5 percent of the

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LB 228, 285

operating budget. Again, apologize to Senator McFarland for not visiting with him earlier, but circumstances kind of prevented that. I appreciate his support of the amendment, would urge you to adopt the amendment.

SPEAKER BARRETT: Any discussion? Seeing none, all those in favor of the adoption of the amendment vote aye, opposed nay. Record, please.

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Withem, would you care to readvance to E & R.

SENATOR WITHEM: I move we readvance LB 228.

SPEAKER BARRETT: Those in favor say aye. Opposed no. Carried, the bill is readvanced. Mr. Clerk.

CLERK: Mr. President, LB 285 is the next bill. The first motion I have, Senators Withem, Beyer and Hartnett had an amendment pending, Senator. It's my understanding you want to withdraw this one.

SPEAKER BARRETT: It's withdrawn.

CLERK: Mr. President, Senator Lamb would move to return the bill. Senator Lamb's amendment is on page 2078 of the Journal, Mr. President.

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: Yes, Mr. President and members. This, of course, is the bill that has to do with drivers' licenses for truck drivers which has been mandated by the federal Congress. The bill...what we're proposing to do here is to delay implementation almost a year. You do have a couple of handouts to explain the situation. So, with this amendment the issuance of this CDL commercial driver's license would begin September 1, 1990 instead of August 1, 1989. And one of the reasons we're doing that is because we do not, at this point, have the computer capability to make the bill operational before that time. You have had a lot of correspondence and contact from school superintendents and school bus drivers in regard to this

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LB 175, 228, 312, 312A, 319, 323, 336  
340A, 357, 423, 744, 761, 813, 814  
815

PRESIDENT: We're still on the machine. Record, Mr. Clerk, please.

CLERK: 26 ayes, 8 nays, Mr. President, on adoption of Senator Lamb's amendment.

PRESIDENT: The Lamb amendment is adopted. Do have another one, please?

CLERK: Mr. President, may I read some items for the record?

PRESIDENT: Yes, please.

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 319 and find the same correctly engrossed, LB 175, LB 228, LB 312, LB 312A, LB 323, LB 336, LB 340A, LB 423 and LB 744, all reported correctly engrossed.

I have amendments by Senator Warner to LB 813, Senator Schimek to LB 814, Senator Nelson to LB 357, Senator Smith to LB 815, Senator Warner to LB 814 and LB 813. That's all that I have, Mr. President. (See pages 2379-87 of the Legislative Journal.)

PRESIDENT: Okay, another amendment, please.

CLERK: Mr. President, Senator Scofield would move to amend the bill. (The Scofield amendment appears on pages 2387-88 of the Legislative Journal.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President, and members, I think this is a non...one of those rare noncontroversial amendments on this issue. You have a handout that's been circulated a little bit earlier. The purpose of this amendment is to put us...to slightly change our definition of low-level radioactive waste so that it conforms with what the current federal language is. Currently, our definition in the State of Nebraska we define low-level waste primarily by what it is not and the particular amendment that is being offered here would...if you will take a look at the handout, if you can find that under your materials there, under the Low-Level Radioactive Waste Policy Amendments Act of 1985 it specifically spells out

Revenue that this is an issue that was a clarification process. We've done that three or four times this year on other bills. It was not my intent to try to carve out something different, I don't think it was Senator Lindsay's to do that either. This was just a matter of clarifying the statutes so that what has traditionally been done would continue to be done. I'm going to support Senator Smith's amendment because my word is good to Senator Schellpeper. And that bill is a bill that affects the State Fair grounds, only the City of Lincoln, Senator Landis. And I will support Senator Smith's motion.

PRESIDENT: Thank you. Senator Smith, would you like to close? No close. The motion is to strike the Lindsay amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 37 ayes, 3 nays, Mr. President, on adoption of the amendment as offered by Senator Smith.

PRESIDENT: The Smith amendment is adopted. Now we need to return the bill to Final Reading. Senator Lindsay.

SENATOR LINDSAY: I move to readvance the bill.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. Okay, now we need to return to our seats, please, so we can continue. (Gavel.) Let's return to our seats so we can continue with Final Reading, please. Okay, Mr. Clerk, finally LB 198.

CLERK: (Read LB 198 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 198 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2472-73 of the Legislative Journal.) 43 ayes, 4 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 198 passes. LB 228, please.

ASSISTANT CLERK: (Read LB 228 on Final Reading.)

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LB 44, 44A, 49, 49A, 134, 137A, 158  
158A, 162, 162A, 175, 175A, 182, 182A  
198, 228, 228A, 305, 815, 816, 816A

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 2473-74 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228 passes. LB 228A.

ASSISTANT CLERK: (Read LB 228A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 2474 of the Legislative Journal.) The vote is 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 44, LB 44A, LB 49, LB 49A, LB 134 with the emergency clause attached, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228, and LB 228A. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. Your Committee on Enrollment and Review reports LB 305, LB 815, LB 816, and LB 816A as correctly engrossed, all signed by Senator Lindsay as Chair of Enrollment and Review. (See pages 2475-76 of the Journal.)

I have a confirmation hearing report from Health and Human Services Committee signed by Senator Wesely as Chair. That's all that I have, Mr. President.

PRESIDENT: We'll move on to LB 137A.

CLERK: Mr. President, 137A is a bill introduced by Senator Warner. (Read title.)

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LB 44, 44A, 49, 49A, 134, 158, 158A  
162, 162A, 175, 175A, 182, 182A, 198  
211, 228, 228A, 308, 309, 309A, 362  
377, 429  
LR 88

Mr. President, bills read on Final Reading today have been presented to the Governor. (Re: LB 44, LB 44A, LB 49, LB 49A, LB 134, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228 and LB 228A. See page 2482 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Hall to LB 211, Senator Ashford to LB 362, Senator Weihing to LB 377, Senator Lynch to LB 377. (See pages 2482-88 of the Legislative Journal.)

Enrollment and Review reports LB 308 as correctly engrossed, LB 309 and LB 309A as correctly engrossed.

And, Mr. President, I have a communication from the Chair of the Reference Committee rereferring study resolution LR 88 from the Banking Committee to the General Affairs Committee. That is signed by Senator Labedz as Chair. And that is all that I have, Mr. President.

PRESIDENT: We'll go to Final Reading on number 9. We'll start with LB 429, but we need to get into our seats and get ready for Final Reading, please. Mr. Clerk, LB 429.

CLERK: The first motion...I have motions on 429, the first is by Senator Wesely. Senator Wesely would move to return the bill, the purpose being to strike the enacting clause.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: I will withdraw that amendment at this time.

PRESIDENT: All right, it is withdrawn.

CLERK: Mr. President, Senator Moore and Lindsay would move to return the bill for a specific amendment. (Moore-Lindsay amendment appears on page 2489 of the Journal.)

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Well, it's another one of those cows to the ring and see who bought her this time. This time it's one of my old rangy old cow. This one I believe in. This is the Bergan Mercy amendment. Now 429 is a bill dealing with certificate of need, 429 introduced by Senator Baack and the intention of this bill I

May 18, 1989

LB 228, 762A, 815A, 817A

favor say aye. Opposed no. Carried, it is advanced.

CLERK: Mr. President, the next bill I have is LB 817A, and, Senator, I have no amendments to that bill.

SPEAKER BARRETT: LB 817A, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 817A be advanced to E & R Final.

SPEAKER BARRETT: Shall 817A be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced.

CLERK: Senator, I next have LB 815A. I do have E & R amendments to that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 815A.

SPEAKER BARRETT: Question is the adoption of the E & R amendments to 815A. All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 815A, as amended, be advanced to E & R Final.

SPEAKER BARRETT: Shall 815A, as amended, be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. Thank you. Mr. Clerk, have you an item on the desk?

CLERK: Mr. President, I do. I have a motion from Senator McFarland to direct the Clerk to request the return from the Governor of LB 228 for further consideration.

SPEAKER BARRETT: Senator McFarland. Senator Withem, proceed.

SENATOR WITHEM: Yes, Senator McFarland has asked me to handle this amendment. This was an Education Committee bill. If you recall, it's one that we passed yesterday. LB 228 was a bill

sets up...allows school districts to set up a contingency fund to cover for losses. Earlier this week, the end of last week, whenever it was, we filed an amendment. The intent of it was to limit the amount in that contingency fund to no more than 5 percent of a school district's budget, so that there would be some cap. It couldn't just become a slush fund. The language we used was 5 percent of the General Fund balance. The General Fund balance, through the course of a year in a school district, deviates from sometimes upward to 60 percent maybe of their budget down to sometimes even in the red. So we found that that amendment, the short of it is that amendment was improperly drafted, and we need to pull that bill back from the Governor's Office, reconsider the final passage, return it to Select File, put on an amendment to make it right. It's all very simple and easy and the bill was a noncontroversial piece of legislation. We just need to bring it back from the Governor's Office in order to do the amendment properly. Would appreciate it if you'd vote to do so.

SPEAKER BARRETT: Thank you. Senator Abboud, would you care to discuss the motion?

SENATOR ABOUD: Yes, Mr. President, would Senator Withem yield to a question?

SPEAKER BARRETT: Senator Withem, would you respond?

SENATOR WITHEM: Certainly.

SENATOR ABOUD: Senator Withem, did the Governor's Office threaten to veto this bill unless these changes were made, or...

SENATOR WITHEM: Pardon me?

SENATOR ABOUD: I said, did the Governor's office threaten to veto the bill unless these changes were made?

SENATOR WITHEM: No, no. The Governor's Office, I don't even know if they've gotten around to reviewing the bill. To tell you very honestly and directly what happened, the bill was one that was being pushed very strongly by the Lincoln Public Schools. The legislative representative for the Lincoln Public Schools came to me, this morning, and said that their business manager had reviewed the Final Reading language of the bill and pointed out the problem with it. She brought it to our

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LB 211, 228

attention, and it was our initiative to ask that the bill be returned. The Governor's Office...I don't think the Governor's Office was aware of the problem with it. No, this is not a response to any executive action. It's a response to those people for whom we were carrying the bill.

SENATOR ABBODD: Thank you.

SPEAKER BARRETT: Any other discussion? Seeing none, Senator Withem, anything further?

SENATOR WITHEM: Would please ask for a yes vote.

SPEAKER BARRETT: Thank you. The question is the adoption of the McFarland motion as explained by Senator Withem. All in favor vote aye, opposed nay. Record, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to request the return from the Governor of LB 228.

SPEAKER BARRETT: Motion is adopted. Moving on to Select File, senator priority bills. Mr. Clerk, LB 211.

CLERK: Mr. President, on LB 211 I have Enrollment and Review amendments, first of all, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 211.

SPEAKER BARRETT: Shall the E & R amendments to the bill be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, the next amendment I had to the bill was by Senator Chizek. I had a note, Mr. President, that Senator Chizek wanted to withdraw, unless...

SPEAKER BARRETT: Senator Abboud, did you have something?

SENATOR ABBODD: He'd like those amendments withdrawn. He'd like the amendment withdrawn.

SPEAKER BARRETT: Thank you. Withdrawn.

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LB 228, 272A, 289A, 588, 651A

please record your presence.

SENATOR CHAMBERS: And I'll accept call ins.

SPEAKER BARRETT: Call ins are accepted. Senator Labedz.

SENATOR LABEDZ: I request a roll call vote.

SPEAKER BARRETT: Roll call vote has been requested. Please record your presence. Check in, please. Senator Moore. Senator Nelson, please. Senator Goodrich. Senator Bernard-Stevens, for what purpose?

SENATOR BERNARD-STEVENS: I would just like to request reverse order.

SPEAKER BARRETT: Reverse order has been requested. Senator Schmit. Thank you. On the motion to advance the bill. Mr. Clerk, roll call in reverse order.

CLERK: (Roll call vote taken. See page 2535 of the Legislative Journal.) 25 ayes, 17 nays, Mr. President, on the motion to advance.

SPEAKER BARRETT: Motion prevails, the bill is advanced. The call is raised. Anything for the record?

CLERK: Mr. President, amendments to be printed by Senator Schmit to LB 289A; and Senator Warner to LB 651A; Senator Landis to LB 272A. That's all that I have, Mr. President. (See pages 2536-42 of the Legislative Journal.)

SPEAKER BARRETT: Mr. Clerk, let's move back to the issue of LB 228, I believe it was, the bill that is to be returned from the Governor's office.

CLERK: LB 228 has been returned from the Governor's office pursuant to action by the Legislature. I now have a motion, Mr. President, to reconsider the Final Reading vote on LB 228. That motion is offered by Senator McFarland. Senator McFarland is excused, however.

SPEAKER BARRETT: Senator Withem, would you please handle it.

SENATOR WITHEM: Yes, again I'd be happy to. A few moments ago

we asked the Governor to return this bill to us. She very promptly complied with our request, I might add. It is now back physically on the desk, and we can act upon it. LB 228 is a bill that allows school districts to set up a contingency fund to cover potential losses for purposes of dealing with underwriting insurance costs. We put a cap on the amount of money that could be put into this fund on Select File. We used the term "balance of general fund", it was an incorrect term to use. "Balance of general fund" varies from day to day, month to month, different parts of the year. What we should...what we meant was a 5 percent of their budget is what we meant, but we didn't say that. What the...what we need to do is reconsider the final passage of LB 228, return the bill to Select File for a specific amendment. We need to strike the language "balance of the general fund" and insert the language "total budgeted general fund expenditures". That is it. If there are questions, I'll respond to them, if not, hopefully we can just go through...what, it will take three votes to get this done, and we'll be through with it.

SPEAKER BARRETT: Thank you, Senator Withem. Any discussion? If not, the question is the reconsideration of the final vote on 228. All in favor vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to reconsider the Final Reading vote.

SPEAKER BARRETT: Motion prevails.

CLERK: Mr. President, the next motion I have is by Senator McFarland via Senator Withem to return the bill for specific amendment.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: The specific amendment will be to strike language "balance of the general fund" and insert "total budgeted general fund expenditures" in its place. Would appreciate your vote to return.

SPEAKER BARRETT: Thank you, sir. Any discussion? Seeing none, all in favor of the motion vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to return

the bill.

SPEAKER BARRETT: Motion adopted.

CLERK: Mr. President, I now have pending Senator Withem's amendment, Senator, AM1943.

SPEAKER BARRETT: On the amendment, Senator Withem.

SENATOR WITHEM: The amendment, once again, strikes the words "balance of the general fund", inserts the language "total budgeted general fund expenditures". Move the amendment.

SPEAKER BARRETT: Any discussion? If not, all in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Withem, would you care to readvance.

SENATOR WITHEM: Move to readvance.

SPEAKER BARRETT: Thank you. Those in favor of the readvancement of the bill say aye. Opposed no. Carried, it is readvanced. Back to Item 11 on the agenda. (Gavel.) Back to Item 11 on the agenda. The first three bills, of course, have been handled. We are to LB 89, followed by the other five bills. Consistent with the comment I made this morning and to avoid any confusion there might be on the floor, it is not my intent to read any of these bills this evening. With that, Mr. Clerk.

CLERK: Mr. President, on LB 89...

SPEAKER BARRETT: Senator Haberman, excuse me.

SENATOR HABERMAN: A point of order, Mr. President.

SPEAKER BARRETT: State your point.

SENATOR HABERMAN: Mr. President, yesterday we spent 14 1/2 hours and 10 of those lights up there are hitting the front of this body, right in our eyes, 10 of them are. The

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LB 89, 137, 137A, 211, 215, 228, 279  
289, 289A, 352, 639, 651, 651A, 761A  
762A, 815A, 817A

Teachers buy books. Teachers buy supplies for kids that don't have them. They take money right out of their own pockets and give it to kids. And so it's...I guess that's one of the reasons why I feel very strongly about giving the money directly to teachers. Senator Warner's remarks struck a chord with me and reminded me of all the contributions that I know that individual teachers make to kids. And so I would urge us to get on with it. Let's pass this bill. It's time we did something for teachers.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: I will give my time to Senator Moore.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: Yes, Mr. Speaker. just to say I guess it's time to withdraw this. I apologize to the...to the original supporters of this bill, at least, because I think some of them wanted to read it tonight and because if my amendment was adopted, they couldn't, but I think it makes it a better bill, obviously, a bill that I can now support and I think there has been some fights among some varying entities on this bill. I think now we've got a bill that really does help education in the state. And, with that, I withdraw the amendment. The last things I will say on LB...the last things that all of us will say on LB 89 and come Monday we'll pass the bill over to the Governor.

SPEAKER BARRETT: Thank you. It is withdrawn. Anything further, Mr. Clerk?

CLERK: Nothing further on that bill, Mr. President.

SPEAKER BARRETT: Yes, for the record.

CLERK: Mr. President, amendments to be printed, Senator Scofield to LB 761A; Senator Chizek to LB 279. (See pages 2546-47 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 137, LB 137A, LB 211, LB 215, LB 228, LB 289, LB 289A, LB 352, LB 639, LB 651, LB 651A, LB 761A, LB 762A, LB 815A and LB 817A, Mr. President. (See pages 2548-50 of the Legislative

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LB 137A, 137, 211, 215, 228, 352, 639  
761, 762, 780, 815, 815A, 817, 817A

voting, Mr. President.

PRESIDENT: LB 780 passes. We'll move on to LB 13....Oh, Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President. I would move to suspend the rules in order to read the bills that were shared with the body just before lunch today. I believe the Clerk has the motion.

PRESIDENT: Mr. Clerk.

CLERK: Well, Mr. President, Senator Barrett would move to suspend Rule 6, Section 7(b) to permit consideration of LB 137, LB 137A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 815, LB 815A, LB 817, and LB 817A on Final Reading today.

PRESIDENT: You've heard the motion. All in favor say aye...or vote aye. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The rules are suspended and we'll go to LB 137 with the emergency clause attached.

CLERK: (Read LB 137 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2664-65 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 137 passes with the emergency clause attached. LB 137A with the emergency clause attached.

CLERK: (Read LB 137A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137A pass with the

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LB 137A, 211, 215, 228

emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2665-66 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 137A passes with the emergency clause attached. LB 211, please.

CLERK: (Read LB 211 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 211 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 2666 of the Legislative Journal.) 39 ayes, 8 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 211 passes. LB 215, please.

ASSISTANT CLERK: (Read LB 215 on Final Reading.)

PRESIDENT: Record, please.

ASSISTANT CLERK: (Read record vote as found on page 2667 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 present and not voting.

PRESIDENT: LB 215 passes. LB 228, please.

ASSISTANT CLERK: (Read LB 228 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 2668 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting.

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LB 228, 352, 639

PRESIDENT: LB 228 passes. LB 352 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 352 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 352 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Read record vote as found on pages 2668-69 of the Legislative Journal.) The vote is 49 ayes, 0 nays, Mr. President.

PRESIDENT: LB 352 passes with the emergency clause attached. LB 639, please.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Wesely would move to return the bill to Select File for a specific amendment to strike the enacting clause.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President and members, my intent is to just take a couple of minutes here and go through some personal feelings and then give whatever time remains to Senator Baack and then withdraw this motion. You know, we discussed LB 639 earlier a couple of times. I only talked about it on Select File and I expressed in rather heated terms my dissatisfaction with the Department of Economic Development. People, obviously, have strong feelings about that and they shared them in addition to myself. But I think it's kind of important to talk about the Legislature, the institution and the branches of government and kind of how we see things, just for a couple of seconds. You know, the really hot button that gets me going, whether it be talking about the Department of Economic Development or talking about the tax issue we did just a little bit ago, is the concept of making promises and then keeping promises. And in this particular bill let me relate my concerns. We moved the Telecommunications Division over to the Department of Economic Development, not under their wishes but at the wish of myself trying to bring a greater coordination to economic development programs. And I did it being warned that if I did that, that Telecommunications would die on the vine but I was assured it wouldn't. And so I made a promise that I would

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LB 211, 215, 228, 352, 639, 739, 761  
762A, 815, 815A, 817

LB 739, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761. Move on to LB 762A.

ASSISTANT CLERK: (Read LB 762A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 762A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2672-73 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 762A passes. LB 815, please.

ASSISTANT CLERK: (Read LB 815 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 815 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2673-74 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 815 passes. LB 815A.

ASSISTANT CLERK: (Read LB 815A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 815A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 2674 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 815A passes. LB 817, please.

ASSISTANT CLERK: (Read LB 817 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having

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LB 137, 137A, 211, 215, 228, 352, 639  
739, 739A, 744, 761, 762, 762A, 767  
767A, 780, 815, 815A, 817  
LR 115

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated immediately) ...W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the Day, Reverend Homer Clements of Saint Luke's United Methodist Church in Lincoln. Would you please rise for the invocation.

REVEREND CLEMENTS: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Reverend Clements. We appreciate it. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, just one item and that is a...your Enrolling Clerk did present to the Governor the last few bills read on Final Reading last evening, and that's all that I had, Mr. President. (See bills presented to the Governor regarding LB 767, LB 767A, LB 137, LB 137A, LB 744, LB 780, LB 739, LB 739A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 762A, LB 815, LB 815A, and LB 817 as found on page 2677 of the Legislative Journal.)

PRESIDENT: Good. We'll move on to Legislative Resolution, LR 115.

CLERK: Mr. President, LR 115 is offered by Senator Baack. It's found on page 2092. It asks the Legislature to acknowledge the centennial celebration of Cheyenne County...Banner County. Banner County, excuse me, Senator.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: They're fairly close together, I guess. Banner County at one time was a part of Cheyenne County, but is now a Banner County. Mr. President and colleagues, this is a resolution honoring Banner County for their 100th birthday that will take place this summer. Banner County was the first county

May 24, 1989 LB 95, 132, 134, 158, 158A, 175, 175A, 182, 182A  
183, 183A, 198, 228A, 228, 261, 261A, 280, 283  
285, 285A, 302, 303, 303A, 305, 309, 309A, 310  
312, 312A, 335, 335A, 340, 340A, 469, 525, 566  
588, 651, 651A, 695, 706, 727, 781, 816, 816A

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us on our closing day as our Chaplain, Reverend Harland Johnson. Would you please rise for the invocation.

REVEREND HARLAND JOHNSON: (Prayer offered.)

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Do we have any corrections this morning?

CLERK: Mr. President, one small correction. (Read correction found on page 2719 of the Legislative Journal.)

PRESIDENT: Okay, do you have any messages, reports, or announcements today?

CLERK: Mr. President, I do. I have a series of communications from the Governor. First of all, Mr. President, the last few bills read on Final Reading yesterday afternoon have been presented to the Governor as of 2:48 p.m., yesterday. (Re: LB 525, LB 566, LB 588, LB 651, LB 651A, LB 695, LB 706, LB 781. See page 2720 of the Legislative Journal.)

Mr. President, a series of communications from the Governor. (Read. Re: LB 228A.) A second communication to the Clerk. (Read. Re: LB 134, LB 158, LB 158A, LB 175, LB 175A, LB 182, LB 182A, LB 198.) A third communication. (Read. Re: LB 95, LB 261, LB 261A, LB 280, LB 283, LB 303, LB 303A, LB 312, LB 312A.) A fourth communication, Mr. President, to Mr. President, and Senators. (Read. Re: LB 183, LB 183A.) A fourth, Mr. President, to the Clerk. (Read. Re: LB 132, LB 285, LB 285A, LB 302, LB 305, LB 309, LB 309A, LB 310, LB 335, LB 335A, LB 340, LB 340A, LB 469, LB 727, LB 816, LB 816A.) The last letter I have received, Mr. President, with respect to signing of bills. (Read. Re: LB 228. See pages 2720-22 of the Legislative Journal.)