

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,

SPEAKER BARRETT: Senator Korshoj.

SENATOR KORSHOJ: Mr. Speaker and members, I totally agree that we need to save as many lives as we can. Tim has already alluded to the fact that it's too late after they get in the bar. I think you're going the wrong place. And, Jacky, I'll tell you how you can save lives and lots of them, and I'm serious about this, have Department of Revenue send out to every retail merchant in the State of Nebraska that sign when they send...they've got the sales tax list, mandate them to put it up, let them read about it before they get in the bar. You would do some good and I would support that. When they are in the bar you might save one life, and bless you, I'm all for that. But let's go, let's let the...let's let them read about it when they go to the grocery store. Mandate them to put that sign up. It's that important to me I would also support the appropriation for it. If every store you go in this sign is posted, like we have to post our sales tax certificate, people are going to see it and think about it. You're going to get damn little thinking going in a bar, some, but not much. If you are really serious and not trying to say it's your duty as a bartender to get this message across, after they are already in the bar, it's after the fact. And I would, if mandated, be glad to put one up in my place of business, but you'd cover the whole state and you would have awareness like you could never get any other place. I'm through, thank you.

SPEAKER BARRETT: Thank you. The question before the body is the indefinite postponement of LB 70. Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 4 ayes, 26 nays, Mr. President, on the motion to indefinitely postpone.

SPEAKER BARRETT: The motion fails. Anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Health and Human Services, whose Chair is Senator Wesely, reports LB 353 to General File; LB 48, General File with amendments; LB 231, General File with amendments; LB 273, General File with amendments; LB 366, General File with amendments. Those are all signed by Senator Wesely. (See pages 474-77 of the Legislative Journal.)

owe it to the citizens, we owe it to the youth. We owe it to these people to help take away the temptations that allow these youth to become addicted to a terrible habit, one that causes cancer, there is no question. It causes illness, it causes sickness, it causes addiction, there is no question. Please support this legislation. Thank you.

PRESIDENT: You've heard the closing. The question is the advancement of LB 48 to E & R Initial. All those in favor vote aye...a call of the house has been called for. The question at the moment then is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 21 ayes, 3 nays to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Those who are not present, please return to the Legislative Chamber and return to your seats so that we may have your attendance recorded. Thank you. Please look up on the board to see if your light is burning, or illuminated I guess I should say. Senator Chambers, would you...Senator Chambers...thank you. Senator Pirsch, Senator Rod Johnson, Senator Landis. Senator Kristensen, would you push your green button, please. Oh, it is? It doesn't show on the board here, I'm sorry. Okay, we'll try to remember that. We're all here that have not been excused. The question is the advancement of the bill. A roll call vote. No, we have not had a roll call vote, okay. Senator Dierks. Okay. We will have a roll call vote requested by Senator Dierks and it will be in reverse order. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 559-60 of the Legislative Journal.) 26 ayes, 12 nays, Mr. President, on the advancement of LB 48.

PRESIDENT: The bill advances. We'll move on to LB 231. The call is raised.

CLERK: Mr. President, LB 231 was a bill introduced by Senator Chizek. (Title read.) The bill was introduced on January 9, referred to the Health Committee, advanced to General File. I have committee amendments pending by the Health Committee, Mr. President.

PRESIDENT: Senator Wesely, do you want to take the committee

amendments, please?

SENATOR WESELY: Thank you, Mr. President, members, LB 231 is a piece of legislation by Senator Chizek. The committee did hear this legislation. It comes from the courts and also the Department of Health, but there were some needs for clarifying amendments. It was opposed by Kathy Moore of Voices for Children and also some concern was expressed by the Health Department about the medical history issue involved here. Now let me start back, last year Senator Conway passed legislation dealing with medical histories in adoptions and require that through the adoption process that we have a mandate for medical histories to be there so that we will, if somebody is adopted that there is medical history of their parents and families so if later on that adopted child has some medical difficulties they will have that medical history to refer back to, to help them with their medical problems. But one of the things that has come up in the situation is that there are some adoptions where there is a biological parent and a stepparent, they have remarried and the stepparent wants to adopt the biological child of their spouse. They don't think you necessarily need to have a medical history involved there, but what we found was that even in those cases you want a medical history in terms of not that child, because the one parent is there, but maybe for the other family members and so this bill would deal with the concerns expressed at the hearing in this regard and require that medical history but not just for the child. That would be exempted, but for the family it would continue. Then also the forms involved, we would allow the Department of Health the flexibility in the forms they would use on these medical histories. They have had some difficulty about some constrictions on that and that would ease up under this committee amendment. And then also the court, under the bill, would not necessarily have to have sent in the information to the Department of Health before they could grant an adoption, but this amendment would provide that the Health Department would still have the opportunity to go back to the court to get that document because that is where it should be filed but it doesn't, under the bill, have to necessarily be there before the adoption occurs. So it is very important that these committee amendments be adopted and I would ask for their adoption at this time, Mr. President.

PRESIDENT: Thank you. Senator Conway, please.

SENATOR CONWAY: Mr. President and members, as Senator Wesely properly pointed out, last year as we worked on the legislation that is now being adjusted, it was implied and intended at that time that when we were talking about medical histories that we were talking more than simply the biological mother, that any other immediate family that was possibly capable of producing part of that medical history was certainly a valid contribution to the accumulation of information. So, in part, the committee amendments are making that clear so that there is no question relative to what constitutes a medical history, so I would strongly also support the adoption of these committee amendments to LB 231.

PRESIDENT: Thank you. Senator Chizek.

SENATOR CHIZEK: Mr. President and colleagues, I just rise to ask your support for the committee amendments also.

PRESIDENT: Thank you. Did you wish to close on the adoption of the committee amendments, Senator Wesely?

SENATOR WESELY: Thank you. I just move their adoption.

PRESIDENT: Okay, the question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

PRESIDENT: The committee amendments are adopted. Senator Chizek, we'll call on you in a minute for the bill, but we have some special guests over under the north balcony. They are Ron Zeiger, Jim Eisenhauer, Alton Gartner, Gerald Guering, Bill Vogt, Bob Brandt and Bob Hallstrom. Would you folks please stand. Now these guests are not just ordinary folks. These men represent the Unadilla Groundhog Day Committee and if any of you want to know anything about groundhogs or Groundhog Day, these fellows have all the answers and feel free to go greet them if you like. With that, Senator Chizek, proceed.

SENATOR CHIZEK: Mr. President and colleagues, the amendments that Senator Wesely, that the body just adopted, he pretty well addressed the situation during that point in time. This was a clarification bill in some areas as it applied to adoption

procedures and the court administrator had requested that we deal with that. And primarily, it was the point about a stepparent adoption a child as was earlier explained, so with that, as far as I know, all sides are in agreement on it. I would appreciate your support for advancing the bill.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 231.

PRESIDENT: LB 231 advances. LB 273, please.

CLERK: LB 273, Mr. President, was a bill offered by Senator Rogers. (Title read.) The bill was introduced on January 9, referred to Health and Human Services. I do have committee amendments pending, Mr. President.

PRESIDENT: Senator Wesely, please, are you going to handle the committee amendments?

SENATOR WESELY: Yes, thank you. Mr. President, members, the bill was brought to the committee by Senator Rogers and deals with the question of who is able to participate in ambulance transportation. Currently, there are ambulance attendees, attendants, I should say, physicians, registered nurse and licensed practical nurse. This would add, under the original bill, physician surrogate. There is no such term defined in law right now and what they were really trying to accomplish under the bill was to allow physician assistants to participate in this function. So we have struck physician surrogate and referenced the certified physician assistant statutes to clarify what this bill accomplishes and I would ask that these committee amendments be adopted.

PRESIDENT: You've heard the explanation. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Health and Human Services Committee amendments.

PRESIDENT: The committee amendments are adopted. Senator

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LB 48, 56, 127, 167, 184, 185, 231
273, 366, 804
LR 22

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as chaplain of the day, Pastor Wayne Hineman of the Rosemont Alliance, in Lincoln, Nebraska. Would you please rise for the morning prayer.

REVEREND HINEMAN: (Prayer offered.)

PRESIDENT: Thank you, Pastor Hineman. We appreciate your coming out on this cold morning to have our invocation. Thank you. Roll call, please.

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

PRESIDENT: Any corrections this morning?

CLERK: No corrections, Mr. President.

PRESIDENT: How about messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 48 and recommend that same be placed on Select File; LB 231 Select File with amendments, LB 273 Select File with amendments; LB 366 Select File, LB 56 Select File, LB 127 Select File, LB 167 Select File, LB 184 Select File with amendments, LB 185 Select File; all those signed by Senator Lindsay as Chair of the E & R Committee. (See pages 577-78 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Haberman regarding LB 804. That will be inserted. (See pages 578-59.)

Gubernatorial appointment to the Power Review Board. That will be referred to Reference Committee. A report, Mr. President, from the Nebraska Energy Office required by statute. That will be on file in my office.

Mr. President, LR 22 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 22.

CLERK: That is all that I have at this time, Mr. President.

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LB 140, 231, 366

continue to discuss the philosophy of financial support in that regard.

PRESIDENT: Now the question is the advancement of the bill. Those in favor please vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 2 nays, Mr. President, on the advancement of LB 140.

PRESIDENT: I think we'll leave our General File at this point. I would like to introduce a couple more guests. A guest of Senator Peterson, under the south balcony we have Mr. Marlin Winter of Norfolk, Nebraska. Also, Senator Lowell Johnson has a guest, under the north balcony Louis Johnson...no Arnie Gebers of Scribner, Nebraska. Would you please stand. Thank you, gentlemen. Now to the Select File we'll be taking off LB 344. I understand there are amendments coming on that. We'll start with LB 231.

CLERK: LB 231, Senator, I have E & R amendments pending.

PRESIDENT: Okay, Senator Lindsay, 231, E & R amendments.

SENATOR LINDSAY: Thank you, Mr. President. I would move that the E & R amendments to LB 231 be adopted.

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

CLERK: Nothing further on the bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 231 as amended be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 366.

CLERK: On 366, Senator, I have no amendments to the bill.

PRESIDENT: Okay, Senator Lindsay on the advancement.

SENATOR LINDSAY: Mr. President, I move that LB 366 be advanced.

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LB 48, 56, 127, 167, 184, 185, 208
231, 361, 366, 426, 643, 714, 760
LR 2

SENATOR LANDIS: We can regulate promotion. I think David raises the fair question, you're getting more than the evil that you have claimed for in the bill and I say, you're right, we are but that's the only way, realistically, in my mind, to stop free samples for kids. And, unfortunately, we're cutting out for the doves as well as the crows here but it's got to be done to have a workable system to ban free sampling.

SPEAKER BARRETT: Time has expired.

SENATOR LANDIS: I don't think this involved structure in the amendment is a workable system to stop free samples for kids. So I'm going to vote against the amendment and for the bill.

SPEAKER BARRETT: Thank you. Senator Moore, followed by Senators Dierks, Withem and Conway.

SENATOR MOORE: I move we adjourn until Monday morning, February 13th.

SPEAKER BARRETT: Anything for the record? Mr. Clerk.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly engrossed; LB 127; LB 167; LB 184; LB 185; LB 231; LB 366, all correctly engrossed.

Revenue Committee reports LB 426 to General File with amendments; LB 643, General File with amendments and LB 361, General File with amendments. (See pages 700-03 of the Legislative Journal.)

Senator Wesely has amendments to LB 208 to be printed. (See page 704 of the Legislative Journal.)

Series of adds, Senator Haberman to LB 760; Senator Hefner to LB 714; and Senator Hefner to LR 2.

Mr. President, unanimous consent that Banking Committee will change their hearing room for next Monday's hearing to the East Chamber. That's all that I have.

SPEAKER BARRETT: Thank you. Before calling a vote on the motion to adjourn, ladies and gentlemen, the Chair wants to exercise the privilege of announcing the fact that Ed Howard of

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LB 46, 145, 231

Dr. Christian Konrad, the Banking Institution for Agricultural Cooperatives. Dr. Konrad. And the interpreter, Mr. David Edminster, the U.S. escort interpreter. Thank you for visiting us again. These gentlemen will be leaving shortly for Denver and the west coast and then back to the east coast and then back to Austria, so we're happy to have you with us these past few days. Good luck to you in the future. Please come back and visit us again. Thank you. Mr. Clerk, LB 46 with the emergency clause attached.

CLERK: (Read LB 46 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 46 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1511-12 of the Legislative Journal.) 35 ayes, 0 nays, 1 present and not voting, 13 excused and not voting, Mr. President.

PRESIDENT: LB 46 passes with the emergency clause attached. LB 145, please.

CLERK: (Read LB 145 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 145 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1512 of the Legislative Journal.) 33 ayes, 0 nays, 3 present and not voting, 13 excused and not voting, Mr. President.

PRESIDENT: LB 145 passes. Before you read the next bill, may I introduce some guests in the north balcony. They are guests of Senator Warner. They are 20 third and fourth graders and their teacher from Cheney. Would you folks please stand and be recognized. Thank you for visiting us today. Mr. Clerk, LB 231.

CLERK: (Read LB 231 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having

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LB 231, 231A, 237, 379

been complied with, the question is, shall LB 231 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1513 of the Legislative Journal.) 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

PRESIDENT: LB 231 passes. LB 231A.

CLERK: (Read LB 231A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 231A pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1514 of the Legislative Journal.) 35 ayes, 0 nays, 2 present and not voting, 12 excused and not voting, Mr. President.

PRESIDENT: LB 231A passes. LB 237 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 237 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 237 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 1515 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 2 present and not voting, 11 excused and not voting Mr. President.

PRESIDENT: LB 237 passes with the emergency clause attached. LB 379, please.

ASSISTANT CLERK: (Read LB 379 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 379 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

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LB 46, 145, 157, 231A, 231, 237, 361
379, 418, 651A, 678
LR 72

ASSISTANT CLERK: (Record vote read. See pages 1515-16 of the Legislative Journal.) The vote is 35 ayes, 0 nays, 3 present and not voting, 11 excused and not voting, Mr. President.

PRESIDENT: LB 379 passes. LB 418, please.

ASSISTANT CLERK: (Read LB 418 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 418 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1516-17 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 3 present and not voting, 10 excused and not voting, Mr. President.

PRESIDENT: LB 418 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 418, LB 379, LB 237, LB 231A, LB 231, LB 145, LB 46, LB 157 and LB 418. We'll move on to Select File and going to jump over LB 279 and take up LB 361.

CLERK: Mr. President, if I might right before that, new resolution, LR 72 by Senator Haberman. (Read brief description of resolution. See pages 1517-18 of the Legislative Journal.) That will be referred to the Executive Board. Senator Haberman has amendments to LB 678. New A bill, LB 651A by Senator Hall. (Read by title for the first time. See page 1518 of the Legislative Journal.) Yes, sir.

PRESIDENT: Okay, we'll move on to LB 361, please. Mr. Clerk.

CLERK: Mr. President, 361 is on Select File. The first order of business...Mr. President, I have E & R amendments first of all.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Yes, I would move that the E & R amendments be adopted.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted. Anything else on it, Mr. Clerk?

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LB 46, 145, 157, 231, 231A, 237, 247
325, 379, 397, 414, 418, 640, 651
LR 73

way. I think if we still see a lot of recalls going on in this state, still seeing it being used as a harassment tool, we'll come back in and try and make it even more meaningful with maybe some stricter restrictions onto what the reasons can be for recall, but right now I think we've just got a very general statement of reasons. We've got something here that would be a very meaningful process. With that, I would just urge you to advance the bill. Thank you.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance LB 640.

PRESIDENT: LB 640 advances. LB 651.

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

PRESIDENT: Yeah, please.

CLERK: Mr. President, new resolution, LR 73, by Senator Abboud. (Read brief description. See pages 1521-22 of the Legislative Journal.) That will be laid over.

I have a request...or bills read on Final Reading this afternoon have been presented to the Governor. (Re: LB 157, LB 46, LB 145, LB 231, LB 231A, LB 237, LB 379 and LB 418. See page 1522 of the Legislative Journal.)

Senator Chambers has amendments to LB 397, Senator Hall to LB 414, Senator Withem to LB 247. (See pages 1522-29 of the Legislative Journal.)

And Senator Schimek would like to add her name to LB 325 as co-introducer. (See page 1529 of the Legislative Journal.) That's all that I have, Mr. President.

Mr. President, the next bill, LB 651 is on General File. It is a bill originally introduced by Senator Hall. (Title read.) The bill was introduced on January 19, referred to the Education Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Education Committee, Mr. President.

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LB 46, 84, 145, 157, 231, 231A, 237
356, 379, 410, 414, 418, 587, 588
653, 733

CLERK: Mr. President, I have a reference report referring certain gubernatorial appointees to the appropriate committee for a confirmation hearing.

Senator Conway has amendments to LB 356 to be printed. Senator Conway would like to add his name to LB 84 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. On Senator Withem's motion to adjourn, those in favor...recess, those in favor say aye. Opposed no. Carried, we are recessed until one-thirty.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Back to LB 588. Mr. Clerk, could you bring us up to date as to our position just before recess.

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

SPEAKER BARRETT: Certainly.

CLERK: Your committee...strike that. A communication to the Clerk from the Governor. (Read communications re: LB 410, LB 414, LB 587, LB 733, LB 157, LB 46, LB 145, LB 231, LB 231A, LB 237, LB 379 and LB 418. See page 1600 of the Legislative Journal.)

Senator Hall has amendments to LB 653 to be printed, Mr. President. (See page 1601 of the Legislative Journal.)

Mr. President, the Legislature left LB 588 this morning and at that time Senator Smith via Senator Chambers had moved to reconsider adoption of Senator Labedz's amendment to the committee amendments. That motion is pending.

SPEAKER BARRETT: Thank you. Back then to the motion to reconsider. Senator Withem, would you care to continue the discussion on the motion to reconsider, Senator Chambers next.