

January 18, 1989

LB 35, 36, 38, 79, 158, 496-536

while you bring in your bills. If you have some, please bring them up. Do you have an announcement for us?

CLERK: Mr. President, Reference Committee will meet in five minutes in Room 2102; Reference Committee in Room 2102 in five minutes.

PRESIDENT: Reference Committee, please heed the announcement just made.

EASE

PRESIDENT: If you don't have anything to do, there is some dry edible beans up in front here, if you would like to help yourself you may. John Weihsing knows all about them, so you can ask him if you want to know how to cook them or anything. (Gavel.) Senator Weihsing.

SENATOR WEIHSING: Mr. President and members of the Legislature, this year Nebraska is number one in the production of dry edible beans. I thought that you should realize that we have a very high standing with the production in the nation.

PRESIDENT: Mr. Clerk, you have something to do.

CLERK: Mr. President, your Committee on Agriculture, whose Chair is Senator Rod Johnson, to whom was referred LB 35, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 36 and LB 38 to General File, all signed by Senator Johnson as Chair.

Mr. President, new bills. (LBs 496-536. Read for the first time by title. See pages 258-66 of the Legislative Journal.)

Mr. President, in addition to those items, I have the hearing notice from the Health and Human Service Committee. Mr. President, a Reference Report referring LBs 463 through 495.

Mr. President, Transportation Committee, whose Chair is Senator Lamb, to whom was referred LB 79, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with committee amendments attached, and LB 158 to General File, both of those signed by Senator Lamb (See pages 268 of the Legislative Journal.)

February 2, 1989

LB 33, 35, 173, 342, 421, 516

LB 421 to General File with amendments; LB 516, General File with amendments; and LB 173 indefinitely postponed, all signed by Senator Hartnett as Chair. (See pages 562-65 of the Legislative Journal.)

Appropriations offers notice of hearings for February 10 and February 16. Signed by Senator Warner. Natural Resources offers notice of hearings for Friday, February 10. Signed by Senator Schmit.

Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. (Journal page 565 shows LB 33 and LB 35 were presented to the Governor.) That's all that I have.

SPEAKER BARRETT: Thank you, sir. Proceeding then to LB 342.

CLERK: Mr. President, LB 342 was a bill introduced by the Health and Human Services Committee and signed by its members. (Read title.) The bill was introduced on January 11, referred to the Health Committee for hearing, advanced to General file. I do have committee amendments pending, Mr. President.

SPEAKER BARRETT: Committee amendments on 342, Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, and members, this bill was brought to us by the Health and Human Services Committee. It comes from a working group that was formed after the end of the last session, the Medical Association, the Health Department, the osteopaths of the state, to update osteopathic law in Nebraska. Osteopaths are a medical profession that has evolved over the years to be very similar in terms of training and preparation for practice as physicians are. It is a different philosophy but they frequently go to the same medical schools and have the same background. The committee amendments which are technical in nature simply clarify the references in the bill. The bill itself deals with updating the references to osteopaths. They will now be referred to as osteopathic physicians and osteopath physicians and surgeons, depending on the circumstance. That's the sum and substance of the bill and the committee amendments are needed to clarify some drafting errors. I would ask for the adoption of the amendments.

SPEAKER BARRETT: Thank you, sir. Any discussion on the adoption of the committee amendments? If not, those in favor of

about costs. It will also require for a public hearing. It requires that a map that lays out and shows where the proposed annexed areas are and down to the property owners who are involved so that when they come into the city office if they want to know, am I in or am I not in, what line are we talking about here, they can look at a map and they can see whether they, in fact, are included in the proposed area for annexation. Then it finally requires, as I said, a public hearing and also before that a notice to be published in the newspapers. So it's totally now a due process law and we have total support on all sides of the issue. I would ask for your favorable consideration of the bill. Thank you.

PRESIDENT: Thank you. Senator Hartnett, on the advancement.

SENATOR HARTNETT: Yes. Mr. President and members of the body, I would do the same thing, I would ask for the advancement of this 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 advancement of 421.

PRESIDENT: LB 421 is advanced. LB 516.

CLERK: LB 516, Mr. President, was a bill introduced by Senator Hartnett. (Read title.) The bill was introduced on January 18, referred to Urban Affairs, advanced to General File. I have committee amendments by the Urban Affairs Committee, Mr. President.

PRESIDENT: Senator Hartnett.

SENATOR HARTNETT: Mr. President and members of the body, I think I handed a handout to you and I think that simply states what the bill is. We want to add an emergency clause, or the committee wanted to add an emergency clause. If you look at the second page of it, is that we, last year, when Senator Lynch and myself had a bill we excluded that, it was struck in...this language that made these people qualify was stricken from the language so that is the reason for adding the emergency clause. Also, there is a change in the language which would

allow...permit an individual who has lost the use of one or more limbs to receive a handicapped parking permit. This simply means that the city clerk would simply issue a parking...a handicap so they can park in a handicapped parking space in the thing. And also we have added the words "all or substantially all the use of one or more limbs". In the other bill it was extremities and we...looking at medical journals, and so forth, we discovered that "limbs" is used most. So, with that, I would like to have the introduction...or approval of the committee amendments.

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

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

PRESIDENT: The committee amendments are adopted. Back to the advancement of the bill. Senator Hartnett, please.

SENATOR HARTNETT: Yes, I think the handout, I think we...inadvertently, the Legislature, myself and Senator Lynch, I think last year, struck this part of the bill and I think that I would just simply ask...unless there are some questions, and so forth, and I really appreciate the effort of Don...Senator Don Wesely in this area too that has the same interest. So I think that, with that, I would simply ask for the advancement of the bill. It simply corrects a mistake that we made last year. So, with that, I would ask for advancement of the bill.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President and members, I do acknowledge Senator Hartnett's help on this issue and, Senator Lynch, who previously had the bill last year that corrected some problems with the handicapped parking plate issue. As you probably know, because many of you co-signed a bill, LB 150, it would have provided for two or more extremities lost to provide for this handicapped license plate. There is a Mr. Moore who, in Lincoln, came to me, actually a few years ago when we got that in in the first place and then inadvertently it got taken out through the bill last year and we were under LB 150 taking care of that problem. If you recall, he had lost both arms and was unable to handle the change to put in the parking meter and

here he was getting parking tickets and it was an awful situation. Senator Hartnett took that concept one step farther and now we're providing if you have one or more extremity, where we were talking about two or more extremities, you would be able to get these sort of parking permits. And I don't have any problem with that. I think it takes care of that original problem that we were addressing and it expands the number of people that can be helped by this. Obviously, we're trying to help these individuals when they have a difficulty and they've lost an extremity to be able to access shopping or business or whatever they need. And so I do commend Senator Hartnett and the committee and look forward to seeing this bill pass so we can take care of this problem and meet that concern that we have had since the bill passed last year. And I would support the bill.

PRESIDENT: Senator Rogers, please.

SENATOR ROGERS: Mr. President and members, I also wish for the advancement of this bill. I have two constituents in my district that have no arms whatsoever. They will be real elated to see something like this passed. I...to make a comment, I thought it was real ridiculous that someone in the Motor Vehicle Department couldn't have given these people some temporary permits but they wouldn't do it so with this bill they're problem should be taken care of. 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: 25 ayes, 0 nays, Mr. President, on the advancement of LB 516.

PRESIDENT: LB 516 advances. May I introduce some guests, please, of Senator Emil Beyer. In the north balcony we have Nyoka Honda of Osaki, Japan; Al Mumm and Linda Mumm of Waterloo. Would you folks please stand and be recognized. Thank you for visiting us today. We will move on to LB 516 (sic). Excuse me, LB 214, I guess, we'll go to.

CLERK: Mr. President, 214 was a bill introduced by Senator Landis. (Read title.) The bill was introduced on January 9, Mr. President, referred to the Banking Committee for public hearing, advanced to General File. I have Banking, Commerce and

February 16, 1989 LB 183, 187, 187A, 214, 214A, 332, 421
433, 516, 556
LR 30

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to this, the one-third mark, the 30th day in the life of the first session of the ninety-first Legislature. Our Chaplain this morning, Harland Johnson. Please rise for the opening prayer.

HARLAND JOHNSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Harland. Roll call.

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

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

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any announcements, reports, or messages?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 187 and recommend that same be placed on Select File; LB 187A, LB 556, LB 421, LB 516, LB 214 and LB 214A, all on Select File, some having E & R amendments attached. (See pages 765-66 of the Legislative Journal.)

Mr. President, LR 30 is ready for your signature.

I have an Attorney General's Opinion addressed to Senator Lamb regarding LB 183. (See pages 766-68 of the Legislative Journal.)

I have amendments to be printed by Senator Haberman to LB 187; Senator Kristensen to LB 332 and, Mr. President, a motion from Senator Wesely to place LB 433 on General File notwithstanding the committee action. That will be laid over. And that is all that I have, Mr. President. (See pages 768-69 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 30. (See page 769 of the Legislative Journal.)

Members will please return to their seats in anticipation of Final Reading. As a matter of interest, LB 198 will not be read

February 21, 1989 LB 443, 516

me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments attached. (See page 815 of the Legislative Journal.)

Mr. President, Senator Wesely would like to add his name to LB 516 as co-introducer and to LB 443 as co-introducer. (See page 816 of the Legislative Journal.)

Mr. President, Natural Resources Committee will meet in Executive Session at one o'clock in Room 1520, Natural Resources, one o'clock, Room 1520. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, I'd like to introduce a guest that we have at the rear of the Chamber, former Senator Tommy Fitzgerald. Will you wave your hand, Tommy, so we can welcome you. It's good to see you, Tommy, thanks for visiting us. Senator Emil Beyer, would you like to adjourn us until about ten o'clock tomorrow, about nine o'clock tomorrow.

SENATOR BEYER: Mr. Speaker and members, I move that we adjourn until nine o'clock on Wednesday morning.

PRESIDENT: You've heard the motion. All in favor say aye. All in favor say aye. Thank you. Opposed nay. Thank you, and we are adjourned, but thank you for your patience this morning with the machine. I'm sure it will be fixed tomorrow, won't it, Mr. Clerk? We are adjourned.

Proofed by:

LaVera Benischek
LaVera Benischek

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LB 421, 516

CLERK: 27 ayes, 1 nay, Mr. President, on the adoption of Senator Smith's amendment.

PRESIDENT: The Smith amendment is adopted. Anything further on it, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: Senator Lindsay, on the advancement of the bill.

SENATOR LINDSAY: Mr. President, I move that LB 421 as amended be advanced to E & R for Engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 516.

CLERK: Mr. President, on 516, Senator, I have...I don't have E & R. I do have an amendment to the bill from Senator Hall, Mr. President. (Hall amendment appears on pages 954-55 of the Legislative Journal.)

PRESIDENT: Okay, Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. If could have a Page, I...Mr. President and members, the bill 516 is a bill of Senator Hartnett's. It deals with the handicapped parking provision. All this amendment is is a bill that was also heard in committee that dealt with handicapped parking permits, the placards that are currently used. This bill was also advanced out seven to nothing out of the committee. I offer it as an amendment to Senator Hartnett's bill. I have talked to Senator Hartnett. He is in agreement with the amendment. We dealt with it. It just deals with the issue of what form that placard can take. I had...the bill was LB 240 that I introduced, and if you want to open your bill book, the amendment that I offer is identical to the underlying green copy of LB 240. It simply changes the provision for the type of placard that can be used to designate one is driving a vehicle that is eligible for a handicapped parking space. If you're familiar with what is used in many parking facilities when you buy a monthly pass to park in, say, for example, a lot either here in Lincoln or in Omaha and some other areas, they offer you a little cardboard hanging type of device that you hang from your rearview mirror. The attendants can go by, see whether or

not that car is eligible to be in that spot. All we do here through this amendment is allow for the handicapped designation to be placed in that same form, be used in that same manner. It allows for the individual to readily move that from car to car because the handicapped accessibility is not limited to the car, but it travels with the individual. So it makes it much more easier for those individuals to be able to stick that into a purse, into a coat pocket, be able to move it around. The current placard is one that is approximately 11 by 14 inches and this would allow for some ease for those individuals who need to be able to use the handicapped spaces that are available. I would urge the adoption of the amendment.

PRESIDENT: Thank you. Senator Hartnett, please.

SENATOR HARTNETT: Mr. President, members of the body, I think Senator Hall...we did vote, have both bills, 516 and 240, the same day. We voted them out unanimously out of committee and so I concur with what Senator Hall explained, so I think it just simply helps speed up the process. We're taking another bill off the list and so I concur that we accept Senator Hall's amendment. Thank you.

PRESIDENT: Thank you. Senator Hall, anything further on it? The question is the adoption of the Hall amendment. All those in favor vote aye, opposed nay. We're voting on the Hall amendment, please. Need a little help. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Hall's amendment to the bill.

PRESIDENT: The Hall amendment is adopted. Anything further on it, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: Okay, Senator Lindsay.

SENATOR LINDSAY: I move that LB 516 as amended be advanced to E & R for Engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. It is advanced. LB 214.

March 6, 1989

LB 187, 187A, 214, 214A, 224, 320, 326
334, 354, 354A, 421, 516, 556, 638

PRESIDENT: The motion fails. Mr. Clerk, do you want to read in some things before we proceed?

ASSISTANT CLERK: Yes, Mr. President. I have priority bill designations from Transportation Committee and Senator Carson Rogers. Government Committee reports LB 638 to General File with committee amendments. Committee on Enrollment and Review reports the following bills correctly engrossed--LB 187, LB 187A, LB 214,...

PRESIDENT: The call is raised.

ASSISTANT CLERK: ...LB 214A, LB 320, LB 326, LB 334, LB 354, LB 354A, LB 421, LB 516, and LB 556. That is all that I have, Mr. President. (See pages 988-91 of the Legislative Journal.)

PRESIDENT: We're back on the advancement of the bill. Senator McFarland, on the advancement of the bill, followed by Senator Chambers and Senator Hefner.

SENATOR MCFARLAND: Yes, I'd like to address some of the concerns that Senator Chambers has raised because he's really overstated, he's misled and he had not apparently read the bill in detail, as he tries to convey to us. Let's just look at one thing. He's alleging that this is going to be a state enforcement procedure, an...

PRESIDENT: The call is raised.

SENATOR MCFARLAND: ...agent for the NCAA. And all it is to do is to protect eligibility of college athletes for the institutions. Well the fact of the matter is that in the part dealing with the noneligible student athlete we say that they cannot be contacted either, unless the sports agent registers with the Secretary of State. Earlier Senator Chambers said, well why should they have to be concerned, if they don't have eligibility, why should they have to be concerned about whether the sports agent registers with the Secretary of State. The reason is we're concerned about all athletes, eligible, noneligible, high school athletes, athletes who may be in professional school or graduate school or whatever. The goal of the bill is to protect athletes from being exploited by sports agents. If you read that particular provision that talks about noneligible student athletes they can be contacted, it's on page 4, they can be contacted if the sports agent is registered.

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LB 154, 489, 516, 556

ASSISTANT CLERK: (Record vote read. See pages 1202-03 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 489 passes. LB 516E.

ASSISTANT CLERK: (Read LB 516E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 516 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1203-04 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 516E passes. LB 556.

ASSISTANT CLERK: (Read LB 556 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 556 become law? Those in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See page 1204 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 556 passes. Before proceeding to LB 154 on Final Reading, the Chair is pleased to advise the body that the corned beef sandwiches which are now being passed out are courtesy of Senator Hall, who apparently purloined them from Clancy's on his way to the Chambers this morning. This is anticipation of Senator "O'Beyer's" corned beef and cabbage today on adjournment, Senator "O'Beyer's" lunch and with the help of his leprechauns at the law center. Corned beef, courtesy of Senator Hall. The next bill, Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Smith would move to return LB 154 to Select File for a specific amendment. The amendment is found on page 1100.

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LB 155, 326, 334, 336, 440, 441, 489
516, 556, 623, 744
LR 58, 59

return to your seats, we will continue with Final Reading, please. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 556, LB 516, LB 489, LB 440, LB 334, LB 326. Okay, Mr. Clerk.

ASSISTANT CLERK: (Read LB 441 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 441 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1205-06 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 4 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 441 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 441 with the emergency clause attached. Mr. Clerk, do you have something for the record?

CLERK: Mr. President, I do. Your Committee on Enrollment and Review respectfully reports they have carefully reviewed and examined LB 155 and find the same correctly engrossed; LB 336; LB 623, and LB 744, all reported correctly engrossed. (See pages 1206-07 of the Legislative Journal.)

Mr. President, I have a report of registered lobbyists for this past week.

New resolution, Mr. President, LR 58, by Senator Rod Johnson. (Read brief description of LR 58 as found on page 1209 of the Legislative Journal.) That will be laid over. LR 59, by Senator Rod Johnson. (Read brief description of LR 59 as found on page 1209 of the Legislative Journal.) That's all that I have, Mr. President.

I do, excuse me, I do have one other item. Hearing notice, confirmation hearing notice from the Judiciary Committee. (See page 1210 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. I would like to introduce some guests in the north balcony. Senators Barrett, Baack, Elmer, Haberman,

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LB 89, 326, 334, 440, 441, 489, 516
556, 711
LR 60

only one absent, Senator Chambers, at this point. Should we go ahead, or would you prefer to wait? A roll call vote has been requested. Members, please return to your seats for a roll call vote. The question before the body is the adoption of the Chambers amendment to the Schmit amendment to LB 89. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 1213 of the Legislative Journal.) 10 ayes, 29 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The motion fails. Anything for the record, Mr. Clerk? The call is raised.

CLERK: Mr. President, new resolution. LR 60, by Rod Johnson, asking the Legislature to declare the week of March 19 through the 25th as Agriculture Week. That will be laid over. Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. (Re. LB 326, LB 334, LB 440, LB 489, LB 516, LB 556, and LB 441.) Banking Committee reports LB 711 as indefinitely postponed. Government Committee offers a confirmation report, that is signed by Senator Baack as Chair. That's all that I have, Mr. President. (See pages 1213-14 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. The Chair would like to take just a moment to advise the membership that we will be on a full day schedule beginning Monday. This next Monday we will be on the floor all day. The second announcement that I'd like to share with you is the fact that the following Monday, that is specifically March 27th, it is my plan at this moment to convene at one o'clock, Monday afternoon, March 27th. You will have Monday morning off, that's the Monday following Easter. We will convene at one o'clock, Monday afternoon, the 27th of March, and hopefully work a little later that day than we normally would. Anything else, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. Senator Robak.

SENATOR ROBAK: Mr. Speaker, I move we adjourn until Monday morning at nine o'clock.

SPEAKER BARRETT: You've heard the motion offered by Senator

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LB 326, 334, 340A, 340, 378A, 408A, 410
412A, 414, 440, 441, 489, 516, 556
574A, 714

SPEAKER BARRETT: Is there any discussion? Seeing none, those in favor of the advancement of LB 714 to Enrollment and Review please vote aye, opposed nay. Record, please.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 714.

SPEAKER BARRETT: LB 714 is advanced. Anything for the record?

CLERK: Mr. President, Enrollment and Review reports LB 340A to Select File; LB 378A to Select File; LB 408A, Select File; LB 412A, Select File; LB 574A, Select File; LB 410; LB 414, Select File. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to recess us until one-thirty.

SENATOR SCHELLPEPER: Yes, I will. Mr. Speaker and members, I would move that we recess until one-thirty.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Motion carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you, sir. For the record, Mr. Clerk.

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication re signing of LB 326, LB 334, LB 440, LB 489, LB 516, LB 556, and LB 441. See pages 1259-60 of the Legislative Journal.)

Senator Bernard-Stevens has amendments to LB 340 to be printed, Mr. President. (See pages 1260-61 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Before proceeding into the