

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.)

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LB 55, 66, 165, 262, 352, 408, 451
524, 534, 601

to the chambers, the house is under call. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, may we all check in first?

SPEAKER BARRETT: Certainly. Members, please record your presence. Senator Dierks, record your presence, please. Senator Smith. Senator Nelson, record your presence. Senator Lamb, the house is under call. Senator Peterson, please report to the Chamber. Senator Wesely. Senator Goodrich, the house is under call. Senators Hartnett and Korshoj, the house is under call. Senators Lamb and Goodrich, please report to the Chamber. Senator Chambers, apparently Senator Lamb is the only one available. Shall we proceed? Thank you. All provisions of law relative to procedure having been complied with, the question is, shall LB 165 become law? Those in favor of that motion vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 777-78 of the Legislative Journal.) 26 ayes, 15 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 165 passes. The call is raised. Thank you again for your cooperation. The Chair is pleased to announce that Senator Robak has 14 eighth graders from District 24 in Platte Center in the north balcony with their teacher. Would you people please stand and be recognized. Thank you. We're glad to have you with us. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign engrossed LB 165. Mr. Clerk, for the record.

CLERK: Mr. President, items for the record. Senator Labeledz would move to withdraw LB 365. Senator Barrett has amendments to be printed to LB 408.

Mr. President, Government Committee reports LB 66 to General File; LB 55 to General File with amendments; LB 262, General File with amendments; LB 352, General File with amendments; LB 534 to General File with amendments; LB 601, General File with amendments, and LB 524 as indefinitely postponed; those are signed by Senator Baack.

Urban Affairs Committee reports LB 451 to General File with amendments. That is signed by Senator Hartnett as Chair. (See pages 778-84 of the Legislative Journal.)

January 9, 1990

LB 534, 747, 840, 843, 845, 895, 911
913, 935, 960, 1014, 1060

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Mr. President, I request a call of the house.

SPEAKER BARRETT: A call of the house has been requested. Those in favor of the house going under call please vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Those outside the Legislative Chamber, please return. Senators Ashford and Lindsay, Senators Chambers and Scofield, the house is under call. Senators Chambers and Scofield, the house is under call. Senator Chambers, please check in. All present and accounted for. Request for a roll call vote and the question again before the house is the adoption of the bracketing motion. Mr. Clerk, proceed with the roll call.

CLERK: (Roll call vote taken. See pages 235-36 of the Legislative Journal.) 25 ayes, 16 nays, Mr. President, on the adoption of the bracket motion.

SPEAKER BARRETT: The ayes have it. LB 747 is bracketed to a day certain. The call is raised. Any bills to read in, Mr. Clerk.

CLERK: Yes, sir, I do. Mr. President, new bills. (Read for the first time by title: LB 1060. See page 237 of the Legislative Journal.)

Mr. President, I have notice of the Education Committee for the week of January 16, and again for January 22 and 23. That is offered by Senator Withem. (Re: LB 845, LB 935, LB 1014, LB 843, LB 895, LB 960, LB 913, LB 840, LB 911.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to item seven on the agenda, 1989 Speaker priority bills beginning with LB 534, Mr. Clerk.

CLERK: Mr. President, LB 534 was a bill introduced by Senator Withem and Senator Barrett. (Read title.) The bill was introduced on January 18 of last year, at that time referred to

Government Committee, advanced to General File. I have Government Committee amendments pending, Mr. President. (See page 790 of the Legislative Journal, First Session.

SPEAKER BARRETT: The Chair recognizes Chairman Baack on the committee amendments.

SENATOR BAACK: Mr. Speaker, and colleagues, the committee amendment is one that is purely technical in nature is that in the bill what...Senator Withem will explain the bill in a little bit, but what the amendment does is it just sets forth a specific time that an individual must cease doing...an individual who has been appointed to the Political Accountability and Disclosure Commission, this sets a specific time when they must cease any activities that they have that may be regulated by the commission, such as lobbying or something, before they can take the office. And in the original bill, there were three points in time that were mentioned that they had to withdraw from these activities. The committee amendments says that there is a time specific when they have to do it and that time is before they take the oath of office in the new office that they are going to hold, and it just clarifies the language. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the committee amendments offered and explained by Senator Baack? Senator Abboud. Senator Hall. Senator Chizek, on the committee amendments. Anyone care to discuss the committee amendments? If not, anything further, Senator Baack? Thank you. The question is the adoption of the committee amendments to LB 534. Those in favor vote aye, opposed nay. Voting on the committee amendments to LB 534, have you all voted? Please record.

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

SPEAKER BARRETT: The committee amendments are adopted. To the bill as amended, the Chair recognizes the gentleman from Papillion, Senator Withem.

SENATOR WITHEM: Thank you, Mr. Speaker, and esteemed co-sponsor of LB 534. I want to make sure that is in the record so you get your credit, also, for this important piece of legislation. Most of what LB 534 does is it makes technical sorts of clarifications in the accountability and disclosure statutes.

For instance, one thing it does, the financial disclosure statements that people need to submit to the Legislature prior to taking office, it simplifies the language to indicate that they have to be there prior to the confirmation hearing or prior to the assumption of the duties. It increases from three to five the number of individuals appearing on the list that are submitted by the political parties and by the Executive Board of the Legislature, increases the quorum from four to five members. Most of those are fairly technical things. There is one somewhat substantive change that is made in the law, however, that was dictated by an Attorney General's opinion. The current interpretation, the law says that an individual cannot serve on the Accountability and Disclosure Commission if they hold an office that is regulated. For instance, if they are a registered lobbyist or a candidate for office, or public officeholder, or an officer in a political party, that they cannot serve on the Accountability and Disclosure Commission. The interpretation of the current law is that prior to having their name even submitted to the Governor for appointment, they have to make that resignation. So if you have three individuals, all of whom are currently serving as political party officers and they have their names...before their names can be submitted to the Governor, all three of them would have to resign even though only one of them is ultimately going to be chosen to be on the commission. So what the main intent of this law and the reason for the introduction of this bill is that it will make it only the one that is ultimately selected to serve on the Accountability and Disclosure Commission is the only one then who will have to resign whatever other practice that they are engaged in. It seems, basically, if you exempt people who are active in the political process from consideration for serving on the Accountability and Disclosure Commission, you don't have a lot of people that are interested in politics to serve on that, and so that is the rationale for the legislation. You might look in your committee statement that Governor Orr's representative, Gary Rex, supported the bill, representatives for both the Democratic Party and the Republican Party also supported the bill, so it is a fairly simple concept. If you have any questions, I would attempt to answer them.

SPEAKER BARRETT: Thank you. Discussion on the bill, Senator Hall. Any discussion? If not, the Chair assumes that is the opening and the closing, Senator Withem, and the question before the body is the advancement of LB 534 to E & R Initial. All in favor vote aye, opposed nay. Have you all voted on the

advancement of the bill? Please record.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of 534.

SPEAKER BARRETT: The ayes have it. The bill is advanced. LB 601, Mr. Clerk.

CLERK: LB 601, Mr. President, offered by Senator Withem. (Read title.) The bill was introduced on January 19 of 1989, referred to the Government, Military, and Veterans Affairs Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President. (See page 780 of the Legislative Journal, First Session.)

SPEAKER BARRETT: The Chair recognizes the Governor...Government Chair, Senator Baack.

SENATOR BAACK: I don't know. Thank you, Mr. Speaker, or Mr. Congre...no, I mean Speaker, yeah. Okay, this is another bill that the Government Committee heard and there was no opposition at the hearing to this bill, also. What the bill does is says that if two people are going to run as either a team or a slate, it would say that once they have raised \$2,000 as that team or slate they would have to file financial disclosure statements with the Accountability Commission. The committee amendment simply specifies that the expenditure or the gathering of \$2,000, the expenditure side of it does not include the filing fee, and this just makes it consistent with the rules that govern an individual. After they've raised a certain amount of money, they do not count their filing fee as part of that expenditure either. So it just makes it consistent with the other statutes. With that, I would just urge adoption of the committee amendment.

SPEAKER BARRETT: Thank you. Any discussion on the committee amendments? Seeing none, those in favor of the adoption of those same amendments vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. Senator Withem, would you care to explain the bill as amended.

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LB 163, 240A, 259, 259A, 397, 534, 601
730, 818-820, 834, 853, 1043, 1044, 1057
1076, 1098, 1148-1157

guess it is the third Beck amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 12 ayes, 14 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The third Beck amendment fails. Mr. Clerk, do you have anything for the record?

CLERK: I do, Mr. President. Mr. President, reminder, Reference Committee will meet in Room 2102 upon adjournment; Reference Committee, Room 2102.

Mr. President, new bills. (Read for the first time by title: LB 1148-1157.) Mr. President, a new A bill, LB 240A by Senator Hall. (Read for the first time by title. See pages 340-43 of the Legislative Journal.)

Retirement Systems Committee, whose Chair is Senator Haberman, reports LB 834 to General File. Appropriations Committee offers notice of hearing, as does Urban Affairs, (Re: LB 853, LB 1043, LB 1044, LB 1057, LB 1076, LB 1098) signed by Senators Warner and Hartnett as Chairs, respectively. (See pages 343-44 of the Legislative Journal.)

Mr. President, Committee on Enrollment and Review reports LB 259 to Select File with E & R amendments, LB 259A Select File with E & R, LB 534 Select File with E & R, LB 601 Select File with E & R, LB 730 Select File with E & R, LB 818 Select File, LB 819 Select File, LB 820 Select File. (See pages 345-46 of the Legislative Journal.)

And, finally, Mr. President, I have amendments to be printed by Senator Hefner to LB 163. (See pages 346-47 of the Legislative Journal.) And, Mr. President, a request from Senator Weihing to add his name to LB 397; and Senator Schimek to LB 163. That is all that I have, Mr. President.

PRESIDENT: Senator Wehrbein, would you like to say something this morning about adjourning until nine o'clock tomorrow. Wait a minute, we will turn you on. Now.

SENATOR WEHRBEIN: Yes, Mr. Speaker, I would do that. I move we adjourn until nine o'clock tomorrow morning, January 17.

January 19, 1990

LB 534, 601, 730

PRESIDENT: Thank you, Mr. Speaker. We'll move on to LB 534, please.

CLERK: Mr. President, I have Enrollment and Review amendments pending to LB 534.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 534 be adopted.

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

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

PRESIDENT: Any discussion on the advancement of LB 534? If not, the question is, shall the bill be advanced? All those in favor say aye. Opposed nay. It is advanced. LB 601.

CLERK: I have E & R amendments, Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 601 be adopted.

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

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 601, as amended, be advanced to E & R for engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 730.

CLERK: LB 730, Senator, I have Enrollment and Review amendments pending.

PRESIDENT: Senator Lindsay, please.

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LB 159, 259, 259A, 534, 601, 730, 769
818-820, 1088

PRESIDENT: Yes, Senator Bernard-Stevens, we're back to your amendment.

SENATOR BERNARD-STEVENS: I guess I'd like to have a clarification in my mind and, Senator Chambers, I guess I'll ask you a question if I may.

PRESIDENT: Senator Chambers, please.

SENATOR BERNARD-STEVENS: Senator Chambers, I guess mentally I need to toughen up a little bit. The vote that we just took, was that the reconsideration on your motion to override the Chair in regards to ceasing debate, or was that the vote as I think it was in order to allow senators to divide the question?

SENATOR CHAMBERS: Yes, what you said the second time. That vote was on the original.

SENATOR BERNARD-STEVENS: That's what I thought. Okay, at least I'm still with it. Mr. President, at this point I'd like to do what Senator Lindsay basically has asked to do in a different manner. I move we adjourn.

PRESIDENT: Before we take that motion, Mr. Clerk, do you have some things for the record so that we can continue with that?

CLERK: Mr. President, I do. I have...Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 159 and recommend that same be placed on Select File. (See page 470 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Retirement Systems Committee. That is signed by Senator Haberman.

Enrollment and Review reports LB 259, LB 259A, LB 534, LB 601, LB 730, LB 818, LB 819, LB 820 as correctly engrossed. (See page 470 of the Legislative Journal.)

Mr. President, in addition to those items, your Committee on Banking, Commerce and Insurance to whom is referred LB 1088 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. (See page 471 of the Legislative Journal.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 397 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 524 of the Legislative Journal.) 29 ayes, 7 nays, 10 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 397 passes. LB 486.

CLERK: (Read LB 486 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 486 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 524-25 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 486 passes. LB 756.

CLERK: (Read LB 756 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 756 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 525-26 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 756 passes. LB 534, please.

ASSISTANT CLERK: (Read LB 534 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 534 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 526-27 of

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LB 534, 601, 730, 818, 819

the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 534 passes. LB 601, please.

ASSISTANT CLERK: (Read LB 601 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 601 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 527 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 601 passes. LB 730, please.

ASSISTANT CLERK: (Read LB 730 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 730 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 528 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 730 passes. LB 818.

ASSISTANT CLERK: (Read LB 818 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 818 pass? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 529 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 818 passes. LB 819.

ASSISTANT CLERK: (Read LB 819 on Final Reading.)

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LB 87, 257, 397, 486, 534, 601, 730
756, 818-820, 1009A

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 819 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 530 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 819 passes. LB 820.

ASSISTANT CLERK: (Read LB 820 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 820 pass? All those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote as found on page 531 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 820 passes. (Gavel.) If I could have your attention a minute, Speaker Barrett has an important announcement for you.

SPEAKER BARRETT: Thank you, Mr. President. Very briefly, to all members, the video taping will take place now. We'll complete it in Room 2102. At the conclusion of Final Reading, those of you who have not taken advantage of the taping, which is now in progress, please go over to 2102 at your leisure. This will be the last time that they are here in the building. Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 87, LB 257, LB 397, LB 486, LB 756, LB 534, LB 601, LB 730, LB 818, LB 819, and LB 820. Mr. Clerk, anything for the record?

CLERK: Mr. President, I do, thank you. I have notice or report of registered lobbyists for the period January 19th through January 25. New A bill by Senator Moore, LB 1009A. (Read by title for the first time. See page 532 of the Legislative Journal.)

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LB 87, 240, 257, 397, 486, 534, 567A
567, 601, 730, 756, 818-820, 960A
LR 248

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 567.

PRESIDENT: LB 567 is advanced. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. New A bill, LB 960A offered by Senator Withem. (Read by title for the first time. See page 536 of the Legislative Journal.)

Bills have been presented to the Governor that were read on Final Reading this morning, Mr. President, as of 10:50 a.m. (Re: LB 87, LB 257, LB 397, LB 486, LB 756, LB 534, LB 601, LB 730, LB 818, LB 819, and LB 820. See page 536 of the Legislative Journal.)

New resolution, LR 248, offered by Senators Rogers and Lamb. (Read brief description of resolution. See pages 636-37 of the Legislative Journal.) That will be laid over, Mr. President.

Senator Baack has amendments to be printed to LB 240 in the Journal. (See pages 537-41 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. We'll go on to LB 567A.

CLERK: Mr. President, 567A, (title read.) Senator, I have two amendments filed. I assume the latter in time is the one you prefer?

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yeah, this reduces the appropriation bill by \$6,000, I believe, reflecting the amendment we made, taking the commission out and it also changes the years, would urge the support of the amendment.

PRESIDENT: Any further discussion on the Withem amendment? If not, the question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. We're voting on the adoption of the Withem amendment. Record, Mr. Clerk, please.

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

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LB 87, 163, 257, 397, 486, 534, 601
610, 688, 692, 730, 756, 818-820, 923
956, 980, 1021, 1067, 1069, 1230

9:00 a.m.

SPEAKER BARRETT: Have you anything for the record?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 956 and recommend that same be placed on Select File; Transportation Committee reports LB 980 to General File with committee amendments, and LB 1021 as indefinitely postponed, those signed by Senator Lamb; Health and Human Service Committee, I am sorry, Banking Committee reports LB 1069 to General File with amendments, and LB 1230 indefinitely postponed, those signed by Senator Landis; and Health and Human Services Committee reports LB 1067 to General File, LB 688 General File with amendments, and LB 923 General File with amendments, those signed by Senator Wesely. (See pages 619-25 of the Legislative Journal.)

A communication from the Governor to the Clerk. (Read. Re: LB 87, LB 257, LB 397, LB 486, LB 756, LB 534, LB 601, LB 730, LB 818, LB 819, LB 820. See pages 625-26 of the Legislative Journal.)

Mr. President, Senator Moore has amendments to LB 163 to be printed; Senator Wesely amendments to LB 610 to be printed. (See pages 626-28 of the Legislative Journal.)

And, Mr. President, a hearing notice from Retirement Systems Committee. That was given to me by Senator Haberman; and, finally, Mr. President, I have a request from Senator Abboud to add his name to LB 692 as co-introducer. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The motion before the body is to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. The ayes have it. Motion carried. We are adjourned. (Gavel.)

Proofed by:

Marilyn Zank
Marilyn Zank