

January 15, 1981

LB 193-222

rules which the motion is before the desk.

SPEAKER MARVEL: Any further discussion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? The motion is the Wesely motion. Have you all voted? Record the vote.

CLERK: 25 ayes, 10 nays on adoption of the permanent rules, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Senator Cullan wants to meet with the Public Health and Welfare Committee underneath the south balcony. Is that right, Senator Cullan? What is the next item?

CLERK: Mr. President, I have a series of matters to read in, if I may. First of all, Senator DeCamp offers a proposed rule change which will be submitted to the Rules Committee for their consideration. (See pages 180 and 181 of the Legislative Journal.)

Mr. President, new bills: LB 193 (Title read). LB 194 (Title read). LB 195 (Title read). LB 196 (Title read). LB 197 (Title read). LB 198 (Title read). LB 199 (Title read). LB 200 (Title read). LB 201 (Title read). LB 202 (Title read). LB 203 (Title read). LB 204 (Title read). LB 205 (Title read). LB 206 (Title read). LB 207 (Title read). LB 208 (Title read). LB 209 (Title read). LB 210 (Title read). LB 211 (Title read). LB 212 (Title read). LB 213 (Title read). LB 214 (Title read). LB 215 (Title read). LB 216 (Title read). LB 217 (Title read). LB 218 (Title read). LB 219 (Title read). LB 220 (Title read). LB 221 (Title read). LB 222 (Title read). (See pages 181 through 188 of the Legislative Journal.)

Mr. President, in addition your Committee on Business and Labor gives notice of public hearing for Wednesday, January 28. (See page 189 of the Legislative Journal.)

Mr. President, communication from the Chairman of the Executive Board which will be inserted in the Legislative Journal. (See page 189 of the Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding deferred compensation funds which will be inserted in the Legislative Journal. (See pages 189 through 192 of the Journal.)

SPEAKER MARVEL: May I have the attention of the members of the Legislature for just a second. I think the last few days have been tough on all of us. I think we are all

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LB 15, 16, 57, 92, 141,  
165, 178, 185, 187, 199,  
207, 238, 244

EASE

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Legislature will come to order. The Clerk has some items to read in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 141 and recommend that same be placed on Select File; LB 57 (sic 50) Select File with amendments. (Signed) Senator Kilgarin, Chairman.

Mr. President, I have an Attorney General's opinion addressed to Senator Wesely regarding Nebraska Revised Statutes 32-1001.33 which will be inserted in the Journal. (See pages 342 - 344.)

Your committee on Revenue gives notice of public hearing in Room 1520 for February 2, 3, and 4. Committee on Ag and Environment gives notice of hearing in Room 1520 for February 19, 20, 26, and 27. Your committee on Public Works gives notice of public hearing in Room 1517 for February 5, March 5, 6, 11, and 12. Your committee on Business and Labor gives notice of cancellation of a hearing for February 4 and rescheduling one for February 4. Your committee on Retirement Systems gives notice of public hearing for February 5. Your committee on Rules gives notice of hearing for February 3. Those are signed by the respective chairmen.

Mr. President, your committee on Education whose Chairman is Senator Koch to whom we referred LB 15 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 16, General File; LB 207, General File; and LB 165, General File with amendments. (Signed) Senator Koch, Chairman.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom we referred LB 238 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator DeCamp.

Your committee on Revenue whose Chairman is Senator Carsten reports LB 178 to General File.

Your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp refers LB 185 to General File; LB 187 to General File; and LB 244 to General File; LB 92 to General File with amendments; and LB 199 to General

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, LB 199.

CLERK: Mr. President, LB 199 was offered by Senator Myron Rumery. (Read.) It was first read on January 15 of this year. It was referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. I do have a committee amendment, Mr. President offered by the Banking Committee.

SPEAKER MARVEL: Senator DeCamp, LB 199, amendments thereto.

SENATOR DeCAMP: Yes, Mr. President, members of the Legislature, all the committee amendment is the emergency clause. It is quite important that we put that on. I can go ahead and explain the bill a little if Senator Rumery wants. Is that okay, Senator Rumery?

SENATOR RUMERY: Fine.

SENATOR DeCAMP: Mr. President, members of the Legislature, of the various bills we have touched on here in the Legislature, this is a small one but it is a pretty important one. It affects every single Nebraskan. It has to do with checks. In 1979 my good friend Senator Hasebroock introduced a bill to phase in a complete change in this state of the way we handle checks. You may remember, in fact, you can still do it now in certain places, with some problems unless we pass this bill. You walked into the country store or the elevator or whatever and you got your load of feed and then you said you got a Neligh check or you got an Elgin check or you got a Brunswick check and the guy opened his box or his drawer and he had maybe thirty, forty, fifty towns, different check books there. We called them counter checks, no name on them, no nothing else, just Brunswick Bank. He threw it to you. You signed it. He was happy. You were happy. The check was paid. Because of the evolution of computers in the banking industry, because of problems of forgery, because of problems of abuse, check writers that used to sweep the country, the banking industry and the business industry, the businessmen decided a change had to be made and they decided they would phase in the change gently and that change was to eliminate counter checks and have magnetically imprinted checks and we passed that law in 1979 and it went into effect full force January 1, 1981, and is the law of the land in this state now. So what has that got to do with anything? Well, in 1979 when we passed that bill, whether it is the fault of the bankers or the businessmen or whoever was pushing it, they left one other little provision in there and

that was that if a bank does accept a counter check, if they do accept one, basically they are guilty of a very serious heinous crime, I think a Class IV or V or 100 misdemeanor or something like that. Now, what we want to do with this legislation is relatively simple. We want to eliminate that penalty. Why? Well we are going to allow them, even though the law says you are supposed to have your magnetically encoded check, we are going to allow under this provision a counter check to be used but it would be up to that individual bank to decide if they wanted to discount it, make a certain fee or whatever for handling that particular nonencoded check, counter check. So essentially as I say the committee amendment puts the emergency clause on so this can go into effect right away because this process is being followed now and I suppose technically if you were going to enforce the law a lot of bankers and other individuals out there are guilty of some pretty serious crimes. So we want to change that, eliminate the penalty. Contrary to what the Lincoln Journal in their story wrote, they said we were changing it from a felony to a misdemeanor. No, no. The Lincoln Journal was wrong. We want to eliminate the penalty and make the whole system workable and straighten it out with your boys over there at the Journal. So I urge you to adopt the amendment and advance the bill. It is kind of an important one for the business and the banking community.

SENATOR CLARK PRESIDING

SENATOR CLARK: The motion is to adopt the committee amendments. All those in favor... Senator Beutler.

SENATOR BEUTLER: Senator DeCamp, just one question. If I understand what you are saying correctly, you want to make it optional essentially as to whether these checks will be cleared at par or not? Is that right?

SENATOR DeCAMP: That is exactly correct. We have laws...

SENATOR BEUTLER: But you are taking out the penalty provision but leaving the old law that says shall be cleared at par in effect?

SENATOR DeCAMP: Pardon? Repeat that.

SENATOR BEUTLER: Senator DeCamp, I don't have my supplement with me but the law that you are wiping out is 8-154 which is the penalty provision for 8-153 and 8-153 says they shall be cleared at par. It just seemed to me if you were doing this cleanly you would change 8-153 also or am I missing something?

SENATOR DeCAMP: Well we are getting rid of the penalty there too. There is various treatments by the Federal Reserve Banking Institutions. We are giving them flexibility to make their own decision.

SENATOR BEUTLER: Okay, thank you.

SENATOR CLARK: The motion is the adoption of the committee amendments. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record.

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

SENATOR CLARK: The committee amendments are adopted. Senator Rumery, what do you want to do with the bill?

SENATOR RUMERY: Mr. President, members of the Legislature, I would like to have us advance this bill, 199, with the amendments as we just passed.

SENATOR CLARK: The motion is the advancement of LB 199 as amended. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record.

CLERK: 36 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. I would like to take this opportunity to introduce to you the state Grange Master, Bob Smith and Mrs. Smith from Broken Bow, Nebraska. They are under the South balcony. Will they stand and be recognized please. We will now take up LB 170.

CLERK: Mr. President, LB 170 is offered by Senator Vard Johnson. (Read.) The bill was first read on January 14. It was referred to the Revenue Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Revenue Committee, Mr. President.

SENATOR CLARK: Senator Carsten, do you wish to take the committee amendments? Senator Johnson, do you want to take the amendments?

February 4, 1981

LB 39A, 45, 64, 65, 92, 165,  
170, 185, 187, 199, 238, 244.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)....will be given by Dean L. Hubbard who is the President of Union College.

PRAYER: Offered by Dean L. Hubbard, Ph.D., President of Union College, Lincoln, Nebraska.

SPEAKER MARVEL: Roll call. Please record your presence. Have you all recorded your presence?

CLERK: Mr. President, Senators Warner and Carsten would like to be excused all day.

SPEAKER MARVEL: Okay, record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: The Clerk will read in some reports first.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and recommend that same be placed on Select File; LB 185, Select File; LB 187, Select File; LB 238, Select File with amendments; LB 244, Select File; LB 92, Select File with amendments; LB 199, Select File with amendments; LB 170, Select File with amendments. (Signed) Senator Kilgarin, Chairman. (See pages 413 and 414 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 64 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 65, General File with amendments. (Signed) Senator Kremer, Chairman. (See pages 414 through 416 of the Legislative Journal.)

Mr. President, new bill, LB 39A, offered by Senator Kahle. (Read title to LB 39A as found on page 416 of the Legislative Journal.)

Mr. President, Senators Vard Johnson and Chambers would like to print amendments to LB 45 in the Legislative Journal. (See page 417 of the Journal.)

Your committee on Banking, Commerce and Insurance gives notice of public hearing in Room 2230 for Tuesday, March 3. (Signed) Senator DeCamp, Chairman. (See page 417 of the Journal.)

February 6, 1981

LB 92, 199

the Fenger amendment as found on page 455 of the Legislative Journal.)

PRESIDENT: All right, the Chair recognizes Senator Fenger.

SENATOR FENGER: Mr. President and members of the body, this amendment is offered at the request of the State Auditor of Public Accounts office. It merely specifies beyond any doubt as to who appoints the Secretary of the Public Accountancy Board. The language says that the Governor will appoint the 8 members and a Secretary shall be appointed. Inserting the words "by the board" will remove any doubt as to who will, in fact, appoint that Secretary. I would urge the adoption of the amendment.

PRESIDENT: Any discussion on the Fenger amendment to LB 92? If not, all those in favor signify by voting aye, opposed nay. Have you all voted? Record the vote.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Fenger's amendment.

PRESIDENT: The motion carries. The Fenger amendment is adopted. Any further amendments, Mr. Clerk?

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 92 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 92 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 92 is advanced to E & R for Engrossment. The next bill, LB 199.

CLERK: There are E & R amendments, Mr. President.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 199 be adopted.

PRESIDENT: Motion to adopt the E & R amendments to LB 199. Any discussion? All those in favor signify by saying aye. Opposed nay. The E & R amendments on

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LB 31, 85, 170, 199

LB 199 are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move LB 199 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 199 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 199 is advanced to E & R for Engrossment. LB 170.

CLERK: There are E & R amendments, Senator.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 170 be adopted.

PRESIDENT: Motion to adopt the E & R amendments to LB 170. Any discussion? If not, all those in favor signify by saying aye. Opposed nay. The E & R amendments on 170 are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move LB 170 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 170 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 170 is advanced to E & R for Engrossment.

CLERK: Yes, sir, I do. Mr. President.....

PRESIDENT: We will proceed then with General File, agenda item #6. Proceed with LB 167.

CLERK: Mr. President, Senator Hoagland...oh, I'm...may I read something.

PRESIDENT: Yes, you may read some matters into the record and then we will take up 167.

CLERK: Mr. President, Senator Hoagland would offer an explanation of vote. (See page 456 of the Legislative Journal.)

Mr. President, your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 31 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, and LB 85 to General File with



92 correctly engrossed, 199 correctly engrossed, 170 correctly engrossed, all signed by Senator Kilgarin, Chair.

Mr. President, I have two Attorney General opinions, the first to Senator Wesely regarding rules and one to Senator Chambers regarding LB 206. (See pages 468 and 469 of the Journal.)

Finally, Mr. President, I have a report from the Department of Roads on the Advertising Control Program submitted pursuant to statute. That will be on file in my office.

SPEAKER MARVEL: We go to item #4 on the agenda and the Chair recognizes Senator Warner.

CLERK: Mr. President, Senator Warner's motion is found on page 392 of the Journal.

SENATOR WARNER: Mr. President, members of the Legislature, the motion pending is one which we have adopted the last several years which would hold any bills on Final Reading which carry an appropriation of general fund money for the coming fiscal year or an A bill which would hold up the bill which has an A bill for the coming year and that none of those bills would be considered on Final Reading until the general appropriation bills have been approved by the Legislature. It would permit any bills that deal with deficiency appropriation for the current year to be enacted or considered as they come up and those of course would not be held up. I would move adoption of the motion, Mr. President.

SPEAKER MARVEL: The motion is the adoption of the Warner motion as explained. All those in favor of that motion vote aye, opposed vote no. Okay, record the vote.

CLERK: 35 ayes, 2 nays, Mr. President, on adoption of the motion.

SPEAKER MARVEL: The motion is carried. We now go to Select File. Senator Kilgarin, shall we take up Select File?

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 156.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments are adopted.

SENATOR KILGARIN: I move LB 156 be advanced to E & R for engrossment.

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LB 170, 185, 187, 199

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 170 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 539 of the Legislative Journal.) 44 ayes, 2 nays, 2 excused and not voting and 1 present and not voting, Mr. President.

PRESIDENT: LB 170 passes. The next bill on Final Reading is LB 185.

ASSISTANT CLERK: (Read LB 185 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 185 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 540 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 185 passes and we next have LB 187 on Final Reading, Mr. Clerk.

ASSISTANT CLERK: (Read LB 187 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 187 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 540 and 541 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 187 passes. The next bill on Final Reading, Mr. Clerk, is LB 199.

ASSISTANT CLERK: (Read LB 199 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 199 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 541 of the Legislative Journal.) The vote is 45 ayes,

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LB 199, 238, 244

0 naves, 2 excused and not voting and 2 present and not voting, Mr. President.

PRESIDENT: LB 199 passes with the emergency clause attached. The next bill on Final Reading is LB 238, Mr. Clerk.

ASSISTANT CLERK: (Read LB 238 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 238 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 542 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 238 passes with the emergency clause attached. The next bill and the final bill on Final Reading this morning is LB 244, Mr. Clerk.

ASSISTANT CLERK: (Read LB 244 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 244 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 543 of the Legislative Journal.) The vote is 36 ayes, 11 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 244 passes and that will conclude Final Reading for today. Mr. Clerk, do you have some matters to be read in at this time? Proceed.

CLERK: Mr. President, Senator DeCamp moves to withdraw LB 518. Pursuant to our rules that will be laid over.

Mr. President, the Committee on Constitutional Revision gives notice of public hearing for gubernatorial appointments for February 20 and for March 5. (See pages 543 and 544 of the Journal.)

PRESIDENT: Before we go on to agenda item #8 on General File, the Chair would like to introduce some 20 students from Archbishop Ryan Highschool in Omaha from Senators Goodrich, Higgins and Kilgarin's districts. They are accompanied by Mrs. Lynn Kafka and Mr. George Mills, their teachers. They are in the north balcony. Would you

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LR 17, 13  
LB 15, 16, 55, 76, 83, 92, 136,  
144, 170, 185, 187, 199, 217,  
238, 244, 354, 434, 457.

Your Committee on Revenue gives notice of public hearing in Room 1520 for March 9, 16 and 18. (See pages 546 and 547 of the Legislative Journal.)

Mr. President, Senator Maresh would like to have the Business and Labor Committee meet underneath the north balcony upon adjournment.

Mr. President, LB 15, 16, 92, 170, 185, 187, 199, 238 and 244 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 15, LB 16, LB 92, LB 170, LB 185, LB 187, LB 199, LB 238 and LB 244.

CLERK: Mr. President, your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 434 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 144 General File with amendments; 354 General File with amendments. (Signed) Senator Landis. (See pages 546 through 547 of the Legislative Journal.)

Your Committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 55 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 76 General File with amendments; 83 General File with amendments. (Signed) Senator Nichol, Chair. (See pages 548 and 549 of the Legislative Journal.)

Your Committee on Miscellaneous Subjects whose Chairman is Senator Hefner to whom was referred LB 217 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 136 General File with amendments; 457 General File. (Signed) Senator Hefner, Chair.

Mr. President, two new resolutions, LR 17 by Senator Hoagland. (Read LR 17 as found on page 550 of the Legislative Journal.) That will be laid over. Mr. President, LR 18 offered by Senator Wagner and others. (Read LR 18 as found on pages 551 and 552 of the Legislative Journal.) That too, Mr. President, will be laid over.

PRESIDENT: The Chair also has an announcement from Legislative Services Coordinator, Harlan Johnson, who reminds all of you that pictures will be taken of all

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LB 15, 16, 92, 170, 185, 187,  
190, 199, 238, 244, 269, 518

addressed to Senator DeCamp regarding LB 190.

Mr. President, Senator DeCamp asks unanimous consent to have his name added to 269 as coinroducer.

PRESIDENT: Any objections? If none, so ordered.

CLERK: Mr. President, I have notice from Senator Fowler designating LB 404 as priority bill and Senator Richard Peterson designating LB 269 as his priority bill.

Finally, Mr. President, I have...your Enrolling Clerk respectfully reports that she has yesterday at 2:13 p.m. presented to the Governor for his approval the following bills: 15, 16, 92, 170, 185, 187, 199, 238 and 244.

PRESIDENT: Thank you, Mr. Clerk. We would like to take this opportunity to introduce some guests of the Legislature. First, a very special guest of Senator Clark, a good friend of his from Bridgeport, Darrell Scheuler who is seated here under the south balcony. Mr. Scheuler, would you stand up. Welcome to your Legislature. And also under the south balcony we have some guests of Senator Goll, Everett Holstein from Blair, Nebraska, and Elvin Kruse from Bennington. Would they please stand and be recognized? We are ready then for motions, Mr. Clerk. Is Senator DeCamp here?

CLERK: Mr. President, Senator DeCamp moves to withdraw LB 518. The motion was presented yesterday and laid over pursuant to our rules.

PRESIDENT: LB 518. The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, very briefly. 518 was a bill introduced by myself and Senator Howard Peterson and has to do with the Soukup case over in Grand Island. Because we have an alternate procedure that is hopefully going to be more effective, we would rather utilize that other procedure, the claims procedure, than utilize the bill at this time, and we can process that near the end of the session.

PRESIDENT: Any further discussion to Senator DeCamp's motion to withdraw LB 518? If not, that will constitute the opening and closing of Senator DeCamp. All those in favor of the motion to withdraw vote aye, opposed nay. Have you all voted? Record the vote.