

January 8, 1982

LB 264, 710-726

Mr. President, the Ag and Environment Committee gives notice of hearings on gubernatorial appointments. That is offered by Senator Schmit. (See page 170 of the Journal).

New bills. LB 710 offered by Senator Wiitala. (Read title). LB 711 offered by Senator Nichol. (Read title). LB 712 offered by Senator Fowler. (Read title). LB 713 offered by Senator Schmit. (Read title). LB 714 offered by Senator DeCamp. (Read title). LB 715 offered by the Judiciary Committee and signed by its members. (Read title). LB 716 offered by the Judiciary Committee. (Read title). LB 717 offered by the Judiciary Committee. (Read title). LB 718 offered by the Law Enforcement Criminal Justice Advisory Committee. (Read title). LB 719 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 720 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 721 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 722 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 723 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 724 by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 725 offered by the Judiciary Committee. (Read title). LB 726 offered by Senator Vickers. (Read title). (See pages 170 through 174 of the Legislative Journal).

SPEAKER MARVEL: We are ready for LB 264 on General File.

CLERK: Mr. President, LB 264 offered by the Public Health and Welfare Committee and signed by its members. (Read title). The bill was first read on January 16 of this year, or last year, excuse me. It was referred to the Public Health and Welfare Committee for hearing. At that time it was advanced to General File, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. Speaker and members of the Legislature, this bill was brought to the committee by the Department of Welfare in terms of trying to make a conformity with the present age of majority statutes. It is a rather small technical change. All it would do basically at this time lower it from the age of 20 to the age of 19 the age at which a guardian would be appointed for a mentally retarded individual and then the possibility of placing them in a Department of Welfare local mental retardation facility would take place. I don't see much of a problem with it. There was very little testimony as you can see from the committee statement, and basically it is a technical change.

February 5, 1982

LB 287, 646, 649, 716, 717,  
720, 723

SENATOR KILGARIN: I move the E & R amendment to LB 287.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted. Now what do we do with the bill?

SENATOR KILGARIN: I move we advance LB 287.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. LB 649.

SENATOR KILGARIN: I move we advance LB 649.

SPEAKER MARVEL: All in favor of that motion...649? Okay, all in favor of...the first thing we do, I'm sorry. Senator Kilgarin, 649. Okay, the motion is to advance the bill. All in favor of that motion vote aye, opposed vote no. A machine and record vote have been requested. Have you all voted? The Clerk will record the vote.

CLERK: (Read record vote as found on pages 579-580 of the Legislative Journal.) 41 ayes, 3 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. 571 will be passed over because there are some amendments. We go to 598.

SENATOR KILGARIN: I move we advance LB 598.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The last bill, LB 646.

SENATOR KILGARIN: I move we advance LB 646.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The Clerk has a couple items to read in and then, Senator Goodrich, after the Clerk has read in the items will you make the motion that we adjourn until Monday, February 8th, at 9:30 a.m. Okay, Mr. Clerk.

CLERK: Mr. President, Senator Haberman offers an explanation of vote.

Your committee on Judiciary whose chairman is Senator Nichol instructs me to report 720 advanced to General File; 716 advanced to General File with amendments; 717 General File with amendments; 723 indefinitely postponed, all signed by Senator Nichol. (See page 580 of the Legislative Journal.)

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LB 69, 720

nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: The bill is returned. Senator Marsh.

SENATOR MARSH: I now move for the adoption of the amendment.

SENATOR CLARK: Any further discussion on the amendment? If not, the question before the House is the adoption of the amendment. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of the Marsh amendment.

SENATOR CLARK: The amendment is adopted. Senator Marsh, do you want to return the bill to Final Reading?

SENATOR MARSH: I move the bill be advanced to E & R engrossing.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed. The bill is returned to E & R final. We will now go to the priority bill list, #6. We have a fifteen minute limit on each bill. The first bill will be LB 720.

CLERK: Mr. President, LB 720 is a bill introduced by Law Enforcement and Criminal Justice Advisory Committee and signed by its members. (Read.) The bill was read on January 8th of this year. It was referred to Judiciary for a public hearing. The bill was advanced to General File, Mr. President, and I have no amendments to the bill.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 720 came to us because there apparently is a little misunderstanding in current law which provides for certain temporary orders to be entered while a divorce or separation case is pending in front of the reconciliation court. There is no expressed statutory authority for a temporary custody order to be entered during this period and the absence of such statutory authority could make it difficult to enforce

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LB 720, 767

such orders. The purpose of 720 is to close this jurisdictional loophole. I understand that some of the judges are doing it anyway but they feel that they are on shaky ground by ordering custody of the children while the divorce case is pending. I move for the advancement of LB 720 to E & R initial.

SENATOR CLARK: Is there any discussion? Did you move the advancement of the bill?

SENATOR NICHOL: Yes, I did.

SENATOR CLARK: Alright, the question before the House is the advancement of 720. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is declared advanced. Guests of Senator Vickers, Mr. and Mrs. Robert Andrews and son, Keith, and an exchange student from Germany, Stephan Hofmeister, parents of Page Marilyn Andrews. Where are they? They are under the South balcony. Would you stand up and be recognized, please. Welcome to the Legislature. LB 767E.

CLERK: Mr. President, LB 767 was a bill introduced by Senator Schmit. (Read.) The bill was read on January 11 of this year. At that time it was referred to the Government, Military and Veterans Affairs Committee for a hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, the bill simply transfers the surplus property from the Military Department to the Department of Correctional Services. Some of you will recall last year we moved that surplus property from the Department of Roads to the Department of Military Services. The reason for the emergency clause on the bill is that that change has not yet taken place. Most of the surplus property is reconditioned and refurbished with the assistance of the persons at the institutions so it seemed to be a much more logical place for the property to be handled. So for that reason we have introduced the bill. There is of course no objection from the Department of Military Services. The Department of Correctional Institutions are in favor of the bill and I would hope that the body would advance the bill rapidly. Thank you.

LB 577, 579, 601, 605, 642, 644, 651, 662,  
677, 678, 696, 697, 718, 718, 719, 720,  
728, 729, 739, 743, 764, 767, 767A, 775,  
776, 778, 784, 792, 796, 807, 824, 825,  
828, 839, 845, 869, 877, 890, 892, 931,  
941, 951, 952, 961, 962

March 9, 1982

SPEAKER MARVEL PRESIDING

REV. MORRIS VENDEN: Prayer offered.

SPEAKER MARVEL: If I could have your attention for a moment before we proceed. The chairmen had a meeting today and it was agreed that we would attempt to control debate as we have not done too well in the last few months and that we would try, for instance, with 652 to have the debate and the vote on advancement after one hour and that we try to have the pros and the cons of these issues so it doesn't take forever to get the point across. This time we're in a position where we either try to limit debate or many of the other issues will simply go down the drain. So the Chair would appreciate, the chairmen would appreciate your cooperation in trying to give people an opportunity on both sides and not spend all day in the discussion. Record.

CLERK: There is a quorum present, Mr. President. Yes, sir, I do have some items to read in. Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 579 and find the same correctly engrossed; 662 correctly engrossed; 677 correctly engrossed; 718 correctly engrossed; 719 correctly engrossed; 728, 729 correctly engrossed; 764 correctly engrossed and 778 correctly engrossed. (See page 1060 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 720 and recommend that same be placed on Select File with amendments; 767 Select File with amendments; 767A Select File; 807 Select File with amendments; 941 Select File; 877 Select File; 577 Select File; 792 Select File; 605 Select File; 931 Select File with amendments; 796 Select File; 845 Select File; 644 Select File; 739 Select File; 696 Select File; 828 Select File; 642 Select File; 678 Select File; 775 Select File; 776 Select File; 951 Select File; 961 Select File; 952 Select File; 784 Select File; 651 Select File; 716 Select File with amendments; 743 Select File; 601 Select File; 869 Select File with amendments; 697 Select File; 825 Select File; 892 Select File; 962 Select File with amendments; 839 Select File and 890 Select File with amendments. Those are all signed by Senator Kilgarin as Chair, Mr. President. (See pages 1057-1059 of the Legislative Journal.)

Mr. President, I have a motion from Senator Labeledz to place LB 824 on General File pursuant to Rule 3, Section 18(b). That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Okay, we go to item #4 and we're talking about LB 924 and I would caution you to do your best to get

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LB 686, 720, 959, 970

former State Legislators. The President of the Association is John Savage, and, John, will you stand? John Savage. Now what we have done in the past is to introduce the former legislators along with the present legislators by districts. And so those of you who are former legislators.....The Clerk has several items to read in. We will proceed with that.

CLERK: Mr. President, Senator Vickers would like to print amendments to LB 959 in the Journal.

Mr. President, I have a Reference Report referring LB 970 to the Appropriations Committee. I have notice of hearing by the Appropriations Committee. That is offered by Senator Warner. Senator Hoagland would like to print amendments to LB 720 in the Journal. Mr. President, Senator Newell would like to print amendments to LB 686 in the Journal. (See pages 1108 and 1109 of the Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Robert Clark.

SENATOR CLARK: Mr. Speaker, I move we adjourn until tomorrow morning at nine o'clock. I would like to have a machine vote.

SPEAKER MARVEL: All those in favor of adjourning...(gavel)  
All those in favor of adjourning vote aye, opposed vote no.

SENATOR CLARK: Mr. Speaker, it looks like we are going to have to have a Call of the House just to adjourn.

SPEAKER MARVEL: Go ahead.

SENATOR CLARK: All right, record the vote.

SPEAKER MARVEL: Record.

CLERK: 18 ayes, 4 nays, to adjourn, Mr. President.

SPEAKER MARVEL: We are adjourned until nine o'clock tomorrow morning.

Edited by L. M. Benischek  
L. M. Benischek



March 11, 1982

LB 720

Fowler wishes to raise the Call. The Call is raised, Senator Fowler. We will proceed then with the next bill which is LB 720, I believe, Mr. Clerk. Is that right?

CLERK: Mr. President, I have E & R amendments to LB 720.

PRESIDENT: Senator Kilgarin....oh, there you are over there. Are there any E & R amendments on this?

CLERK: Yes. Yes, there are, Senator.

PRESIDENT: There you are where I normally see you over there, okay.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 720.

PRESIDENT: Motion is to adopt the E & R amendments to LB 720. Is there any discussion? All those in favor signify by saying aye. Opposed nay. The E & R amendments are adopted on LB 720. Any further motions on the bill, Mr. Clerk?

CLERK: Mr. President, Senator Hoagland would now move to amend the bill, and the Hoagland amendment is on page 1108 of the Journal.

PRESIDENT: Page 1108 of the Journal, the Hoagland amendment. Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, this is a friendly amendment. Senator Nichol told me before he left that he had no problem with my amending his bill to attach this clarifying language on LB 720. Last year the Legislature decided to change the requirement that motions for a new trial be filed in every case and to make that optional to require the losing party in a law suit to file a motion for a new trial only if he thought it was in his best interest and not be required to as a prerequisite to seeking an appeal. Now the Legislature adopted that principle last year, however the language that we used in implementing that principle was not the best. This particular language which is on page 1108 of the Journal has been worked up by lawyers and others over the summer and the fall and it is intended to clarify that decision we made last year. As I indicated, Senator Nichol has no objection to our using LB 720 for this clarifying language. I would ask you to adopt this amendment. Thank you, Mr. President.

PRESIDENT: Any further discussion on the Hoagland amendment. I guess, Senator Hoagland, that is your opening and your

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LB 720, 807

closing. No one else, so all in favor of the Hoagland amendment to LB 720 vote aye, opposed nay. You are voting on the Hoagland amendment to LB 720. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays, on adoption of Senator Hoagland's amendment, Mr. President.

PRESIDENT: Motion carries. Senator Hoagland's amendment is adopted. Any further amendments to LB 720?

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

PRESIDENT: Senator Kilgarin, do you wish to move the bill?

SENATOR KILGARIN: I move we advance LB 720.

PRESIDENT: Motion is to advance LB 720 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 720 is advanced to E & R for Engrossment. The next one I have on my list is LB 807, Mr. Clerk. Is that right?

CLERK: Yes, sir.

PRESIDENT: 807.

CLERK: Mr. President, there are E & R amendments to 807.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 807.

PRESIDENT: Motion is to adopt the E & R amendments on LB 807. Any discussion? All those in favor of adopting the E & R amendments on LB 807 signify by saying aye. Opposed nay. The E & R amendments are adopted. Any other motions, Mr. Clerk, or any amendments?

CLERK: Mr. President, I have an amendment from Senator Landis to the bill that I understand he wishes to withdraw.

PRESIDENT: Senator Landis, what do you wish to do with the amendment?

SENATOR LANDIS: The first of the ones...the one that was published in the Journal I would like to withdraw.

PRESIDENT: All right, Senator Landis withdraws the first



March 17, 1982

LB 202, 953, 761, 208, 720, 591,  
796

We have six excused. Will the Clerk please call the roll.

CLERK: (Read the roll call vote as found on page 1225 of the Legislative Journal.)

SENATOR CHAMBERS: (Microphone not activated)....changing to not voting.

CLERK: Senator Chambers changing from no to not voting. 25....do you want to change, Senator? Senator Newell changing from no to yes. 26 ayes, 16 nays, Mr. President, on the motion to indefinitely postpone the bill.

SENATOR LAMB: The motion prevails. LB 202 is indefinitely postponed. The Clerk has some items to read in.

CLERK: Mr. President, Senator Vickers would like to print amendments to LB 953, Senator Fowler to 761. Your Committee on E & R respectfully reports that they have carefully examined and engrossed LB 208 and find the same correctly engrossed, 720 correctly engrossed, 796 correctly engrossed, all signed by Senator Kilgarin.

Again, Mr. President a reminder, the Revenue Committee will hold an Executive Session at noon today in Room 1517. That is offered by Senator Carsten, Chair.

SENATOR LAMB: LB 591

CLERK: Mr. President, LB 591 offered by Senator Landis, (read title). The bill was read on January 6th, referred to Revenue, Mr. President. The bill was considered yesterday by the Legislature. At that time there was an amendment from Senator Howard Peterson that was adopted to the bill. I now have pending Mr. President, an amendment offered by Senator Vickers. I think Senator Vickers wants to withdraw the amendment he had yesterday. Temporarily withdraw it, Mr. President.

Mr. President, Senator Vickers would now move to amend the bill by striking the Peterson amendment adopted yesterday.

SENATOR LAMB: Senator Vickers.

SENATOR VICKERS: Mr. President, members, the Peterson amendment adopted yesterday expanded the one-half percent additional sales tax to all first class cities in this state. As you know, the amendment that I just got through laying back until after this one would expand that to all

March 23, 1982

LB 672, 677, 720

PRESIDENT: The motion carries. The bill is returned. Senator Wesely, do you wish to adopt your amendment?

SENATOR WESELY: Mr. President, I move the amendment.

PRESIDENT: Motion to adopt the amendment. Any further discussion? Senator Newell, do you wish to now speak to... no, all right. Senator Wesely, then that is your opening and your closing or do you have a closing? Motion is to adopt the Wesely amendment. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 29 ayes, 12 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The motion carries. The amendment is adopted. Senator Wesely, do you want to readvance the bill?

SENATOR WESELY: Move for readvance.

PRESIDENT: The motion is to readvance LB 672 to E & R for engrossment. Any discussion? All those in favor of advancing LB 672 vote aye, opposed nay and we'll go to the board. Who moved that? Senator Vickers, yes, asked for a machine vote. Record the vote.

CLERK: 27 ayes, 16 nays on the motion to readvance the bill, Mr. President.

PRESIDENT: The motion carries and LB 672 is advanced to E & R for engrossment. We're now back on Final Reading, I hope. We're on LB 677, Mr. Clerk.

CLERK: (Read LB 677 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 677 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 1373-1374 of the Legislative Journal.) 43 ayes, 1 nay, 2 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: LB 677 passes with the emergency clause attached. The next bill on Final Reading, Mr. Clerk, is LB 720.

CLERK: (Read LB 720 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 720 pass.

March 23, 1982

LB 720, 796, 531, 522A

All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 1374 of the Legislative Journal.) 43 ayes, 0 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: LB 720 passes on Final Reading. And the last bill on Final Reading this morning, Mr. Clerk, is LB 796.

CLERK: (Read LB 796 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 796 pass. All those in favor vote aye, opposed nay. Record the vote. Senator Higgins, for what purpose do you arise?

SENATOR HIGGINS: Mr. President, do I have the right to stand up and explain why I voted no? I've heard other Senators...

PRESIDENT: You can put it in the record. You can put an explanation in the Journal.

SENATOR HIGGINS: Not now.

PRESIDENT: No. Just give it to the Clerk and he will put it in the Journal. Go ahead, Mr. Clerk.

CLERK: (Read record vote as found on page 1375 of the Legislative Journal.) 38 ayes, 6 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 796 passes. Mr. Clerk, I presume you have some matters to read in.

CLERK: Mr. President, just one item. Senator Labedz would like to print amendments to LB 531 in the Legislative Journal.

SENATOR LAMB PRESIDING

SENATOR LAMB: Next we go to item #5, General File, LB 522A.

CLERK: Mr. President, LB 522A offered by Senators Vard Johnson and Cullan. (Read title.)

SENATOR LAMB: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I sometimes have a difficult time rising and I'm having a somewhat difficult time rising on 522A, not because it's a

March 24, 1982

LR 256, 267  
LB 208, 383, 421, 577, 631,  
634, 677, 720, 796, 827

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Rumery.

SENATOR RUMERY: Prayer offered.

PRESIDENT: Roll call. Have you all registered your presence? Record the presence, Mr. Clerk.

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

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal stands as published. Any other messages, reports or announcements?

CLERK: Mr. President, two letters from the Governor. The first addressed to the Clerk. (Read letter regarding LBs 631 and 827.) The second, Mr. President, addressed to the membership. (Read letter regarding LBs 577 and 634.)

Mr. President, new resolution, LR 267 offered by Senator DeCamp. (Read LR 267 as found on pages 1392 through 1395 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, the bills that were read on Final Reading yesterday are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs 796, 720, 677, 421, 383, and 208. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: We are ready then for agenda item #4, resolutions. There is a 15 minute limit. Commencing with LR 256.

CLERK: Mr. President, LR 256 was offered by Senator Nichol and many of the members. It is found on page 1280 of the Journal. (Read LR 256.)

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. President and colleagues, the purpose of LR 256 is to call on the federal government and the

March 30, 1982

LR 256-260  
LB 720, 796, 383, 421, 677  
619

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

CHAPLAIN PALMER: Oh God, we pray as we look at the calendar and realize how much has been done but how much more needs doing. We ask for your contentment in this day that we may not waste what time is ours, desiring more than is likely but learn to use and enjoy that which is ours. We may not know everything but we do know Thee and Your will. We may not be rich but we can be generous. We do not have to have all wisdom to be understanding. We do not have to win every vote in order to be a good Senator. Our influence may not always be great but it can be good. Our speech may not always be eloquent but it can be truthful. We cannot all have good looks but we can have good conscience, and having that we shall have peace of mind and need fear no one. So this day may we be kind to one another, tenderhearted and forgiving as if each person's heart might be breaking, because it probably is. Amen.

PRESIDENT: Roll call. Have you all registered your presence? Has everyone registered his or her presence? Please do so so we can get underway. Record the presence Mr. Clerk.

CLERK: There is a quorum present Mr. President.

PRESIDENT: Quorum being present are there any messages, reports or announcements?

CLERK: Mr. President, yes sir there are. LR 256, 257, 258, 259 and 260 are ready for your signature, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 256, 257, 258, and 259 and 260.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 619 in the Legislative Journal. And, a communication from the Governor to the Clerk. (Letter appears on page 1462 of the Legislative Journal regarding LB 720, 796, 383, 421, 677).

PRESIDENT: Before we go on to Final Reading the Chair would like to recognize Senator Lamb, as acting Speaker, I think he has some announcements.