

January 13, 1981

LB 134 - 139

CLERK: Mr. President, quickly, new bills: (Read title to LB 134 through LB 139. See pages 140 and 141, Legislative Journal.)

Mr. President, Senator Fitzgerald would like to have a meeting of the Transportation Advisory Committee in his office upon adjournment. That is the Transportation Advisory Committee meeting in Senator Fitzgerald's office upon adjournment.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer gives notice of public hearing for January 28, 29 and 30.

Mr. President, Senator Carsten would like to have an executive session of the Revenue Committee in Room 1019 upon adjournment. Revenue Committee in executive session Room 1019 upon adjournment.

Senator DeCamp would like to have a meeting of the Banking, Commerce and Insurance Committee tomorrow morning at 9:10 a.m. underneath the North balcony. Banking Committee at 9:10 a.m. tomorrow morning.

SPEAKER MARVEL: The Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker. I would like to call the attention of the Legislature to one final rule change and when we are done with this we will be left with only a handful of rule changes that are pending by Senator Chambers and then we will be able to complete that activity tomorrow. So if we can just take care of this one last rule change, we can adjourn for the day and deal with the final few rule changes tomorrow. The rule change that I am calling to your attention now and which I move at this point for adoption concerns Section...Rule 3, Section 15 of the Rule Book. That is on page 19. This is an amendment brought to you by myself. It was worked out with members of the media of Nebraska and also Senator Beutler and other interested Senators. This was a concern that there was some uncertainty as to the language in the present executive session section of the rules as to what the media could or could not cover. The concern was that in the past when you have an executive session the media could be present and could report on discussion and action taken by the committee. Unfortunately there was a rule change last session that deleted the discussion part of the coverage option for the media and it was felt that that was important to reinsert. Now that is one of the rule changes that is incorporated here. The other is when you close an executive session to everybody including the media, I add the word "rare" to the

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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 457, 136

Appropriation Committee to this committee. Therefore I move the advancement of this bill to E & R Initial.

SENATOR CLARK: The question before the House is the advancement of 457 to Initial. All those in favor vote aye, opposed no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The motion carried. The bill is advanced. We will now take up 136.

CLERK: Mr. President, LB 136 was offered by Senator Howard Peterson. (Read title.) The bill was read on January 13. It was referred to the Miscellaneous Subjects Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Miscellaneous Subjects Committee, Mr. President.

SENATOR CLARK: Senator Hefner, do you want to take the committee amendments?

SENATOR HEFNER: Mr. President, members of the body, I move the adoption of the committee amendments. But to explain the committee amendments, I think I should give you a little background on the bill and the original purpose of LB 136 as was introduced by Senator Peterson is to eliminate a statute which provides that the voters within a city, village or county may vote for or against allowing horse racing on Sundays within that community, if, if the State Racing Commission were to permit it. LB 136 establishes instead that the Racing Commission would approve an application for Sunday racing after it has considered certain criteria and, of course, what this would do is take away local control. And so the committee amended this bill and I will try to explain the committee amendment to you now. This amendment would provide for a countywide referendum vote and this could be held at any general state election to allow Sunday horse racing. The committee felt that since the local people voted to discontinue horse racing in Grand Island at Fonner Park, it would be only right to have the local people vote again at the general election whether to allow horse racing or whether not to allow horse racing. This amendment changes it to a countywide vote instead of just a city vote and I believe this brings the law into conformity with the rest of the

state. At the hearing, testimony was presented that Fonner Park in Grand Island provides much more service to the whole county than just horse racing in the city. It provides such things as the Hall County Fair and many other countywide activities. Now with the committee amendment, it gives all interested people a voice in saying whether Sunday horse racing should be allowed. I think it is fair. I think it is just and I think it is logical and so I, therefore, urge you to support the committee amendment and I move for its adoption.

SENATOR DWORAK: Mr. President and colleagues, I would like to ask Senator Hefner several questions so that I am totally sure that I understand the committee amendments. Since Senator Schmit, Senator Fowler and myself are probably largely responsible for the legislation that you are attempting to change this year, I want to make sure that my original intent is being preserved. As I understand the amendments, Senator Hefner, the major change is that...there are two major changes. Number one, instead of the city voting, the county residents now vote as to whether or not there will or will not be Sunday racing, is that correct?

SENATOR HEFNER: Senator Dworak, this is correct. At the present time, if the horse racing facility is located within the city limits, why then it is up to the city or village to vote.

SENATOR DWORAK: The second change is instead of a vote every four years, it now in effect will be every two years if they wish...the people either wish to put it on the ballot by petition or the Racing Commission wishes to put it on the ballot?

SENATOR HEFNER: This is correct. We are amending that statute that says "every general election" and so that would be every two years and I think the statute says now "every four years".

SENATOR DWORAK: And in those areas where the people have in fact spoken and have in fact said we do not desire Sunday racing, the only way there will be Sunday racing is for the people themselves to rescind their previous action by ballot?

SENATOR HEFNER: You certainly are correct, Senator Dworak.

SENATOR DWORAK: Thank you.

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LB 136

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator DeCamp. The question has been called for. Do I see five hands? Shall debate cease? All those in favor vote aye, opposed no. We are voting on whether or not to cease debate. Have you all voted? One more time, shall debate cease? Okay, record.

CLERK: 25 ayes, 14 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. Senator Hefner, can you take the committee amendments to....close on the committee amendments on LB 136?

SENATOR HEFNER: Yes, Mr. President, members of the body, I move the adoption of the committee amendment and what this does is leaves it up to the local people to vote on this on a countywide basis and it would be at a general election which would be every two years. Therefore, I move adoption of the committee amendment.

SPEAKER MARVEL: All those in favor of the adoption of the committee amendments to 136 vote aye, opposed vote no. The committee amendments as explained by Senator Hefner. Record.

CLERK: 25 ayes, 3 nays on the adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The committee amendment has been adopted. Senator Peterson, do you wish to be recognized to explain the bill?

SENATOR H. PETERSON: Mr. Chairman, I believe the bill as amended has been fairly well explained. What we are doing is two things: Number one, we are changing the opportunity for vote of the people from citywide to countywide and I think Senator Hefner explained the county fair is held at this particular location. In fact, it is the county fair, number one. Number two, Fonner Park is actually owned and operated by the Hall County Livestock Improvement Association which is a Hall Countywide organization. Number three, the rural people who are involved with 4-H Club work for most of the 4-H showing, all this kind of thing, the state dairy show and so forth held at this park, did not have an opportunity to vote. So I think it is rather logical for us to take this amendment and adopt it and adopt the whole bill. The other thing that is provided for in the bill that wasn't provided for before and is a subject of a lawsuit on the part of Fonner Park at the moment is there was no criterion in the bill for the basis on which the Commission

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LB 136

would make a decision and this bill does provide for criterion so that the Racing Commission will have to follow that criterion in determining whether or not Sunday racing should even be voted on. I would move the bill from General File to E & R.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President, I rise in support of LB 136. I believe that Senator Dworak pointed out that it is important to the entire State of Nebraska that the thoroughbred industry remain active and viable throughout the State of Nebraska. Without this kind of an option, it would be very difficult for the small operations to continue to sustain themselves. I want to support Senator Peterson's bill and ask you to support it also.

SPEAKER MARVEL: Senator Peterson, do you wish to close on the advancement of the bill? Okay. All those in favor of advancing the bill to E & R for Review vote aye, opposed vote no. LB 136. Record.

CLERK: 28 ayes, 6 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Before we go to the next bill, underneath the North balcony, I wish to introduce the mother of Ron Schroeder who is the committee counsel for the Miscellaneous Subjects Committee, Darlene Schroeder, who is from Senator Warner's District and also a guest of Senator Hefner. Where are you located, Mrs. Schroeder, so we can wish you "Good Morning". The next bill is LB 128.

CLERK: Mr. President, if I may, before we...

SPEAKER MARVEL: Senator Johnson.

CLERK: ...proceed to that, I would like to read some material into the record.

A report from the Executive Board regarding the reference of gubernatorial appointments.

Notice of hearing by the Public Works Committee.

A report of registered lobbyists for the week of February 22 to 26.

Your committee on Miscellaneous Subjects whose Chairman is

March 3, 1981

LB 5, 55, 76, 83, 128,  
136, 144, 150, 217, 279,  
354, 379, 457, 462

CLERK: Mr. President, Senator Kahle voting aye, Senator Wiitala voting aye, Senator Barrett voting aye.

SPEAKER MARVEL: Senator Goodrich, would you record your presence.

CLERK: Senator Vard Johnson voting aye.

SPEAKER MARVEL: Record the vote.

CLERK: 25 ayes, 13 nays on adoption of Senator DeCamp's amendment to the Beutler amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Do we have other amendments? Senator Beutler.

SENATOR BEUTLER: (Mike not turned on.) ...now, I would move the amendment be adopted.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Beutler amendment as amended.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. The motion is the advancement of the bill to E & R for engrossment. A machine vote is requested. All those in favor of advancing the bill vote aye, opposed vote no. Record.

CLERK: 27 ayes, 13 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion carried. The bill is advanced. Items on the Clerk's desk before we go to the next bill. I would suggest to you that in ten or fifteen minutes we will move into General File as per the agenda.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 144 and recommend that same be placed on Select File with amendments; 354 Select File; 55 Select File 76 Select File with amendments; 83 Select File with amendments; 217 Select File; 457 Select File; 136 Select File; 128 Select File; 462 Select File with amendments; 279 Select File and LB 5 Select File with amendments. (Signed) Senator Kilgarin. (See pages 728-730 of the Legislative Journal.)

Mr. President, your committee on Public Health and Welfare whose chairman is Senator Cullan reports LB 379 to General

March 5, 1981

LB 457, 462, 128, 136

SENATOR KILGARIN: I move that LB 457 be advanced to E & R for engrossment as amended.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: All those in favor of that motion say aye, excuse me. A record vote has been requested. The motion is to advance 457. All those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is to advance 136 to E & R for engrossment. There is a request for a machine vote. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 7 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 128.

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

SPEAKER MARVEL: So you want to advance the bill? 128.

SENATOR KILGARIN: I move we advance LB 128 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill, 462.

CLERK: There are E & R, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 462.

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

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

SPEAKER MARVEL: Do you want to advance the bill?

SENATOR KILGARIN: I move to advance LB 462 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill is 279.



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LB 32, 76, 83, 136, 144,  
206, 206A, 354, 457, 492

respectfully reports and examined engrossed LB 76 and finds the same correctly engrossed; LB 83 correctly engrossed; LB 136 correctly engrossed; LB 144 correctly engrossed; and LB 354 correctly engrossed; LB 457 correctly engrossed. (Signed) Senator Kilgarin.

Mr. President, I have a message from the Governor. (Read. Re: LB 206 and 206A. See pages 818 and 819, Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Vickers regarding LB 32.

Mr. President, Senator Kremer would like to have the Public Works Committee meet underneath the North balcony right now for purposes of an exec session, the Public Works Committee underneath the North balcony, Mr. President, right now if possible.

Mr. President, your committee on Government, Military and Veterans Affairs reports LB 492 to General File, (Signed) by Senator Kahle as Chairman.

PRESIDENT: The Chair recognizes Speaker Marvel for an important announcement. Speaker Marvel. Would the Legislature please pay some attention to the Speaker at this point.

SPEAKER MARVEL: I wish you would get out your paper and pencils because we are talking about deadlines for priority bills. You will find on page 137 of the Journal for the fifth day, January 13, 1981, Rule 5, Section 6 which talks about scheduling of bills and priority bills. Your individual priority selection as well as your committee selection, the deadline is March 13 which is Friday. The deadline for the Speaker is March 17 and the chairmen who met this morning, although the rule does create some misunderstanding, what would happen is that your bills designated by either yourself or the chairman of your committee or committees, those bills would be gathered in by the Speaker's office and we would set them up as priorities on the agenda. Now there is some discussion about a way to maneuver so you can get more priority bills than somebody else and I would assume that no one in this body would operate that way but March 13 is the deadline for priority bills individual and committee and March 17 is the deadline as far as the Speaker's office is concerned and we would implement this through the agenda. If anybody has any questions I will try to answer them, otherwise you can find on your worksheet for this morning the beginnings of a listing of priority bills. There are five listed this morning, 56, 245, 269, 290 and 404.

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LB 13, 76, 83, 204A, 254, 309,  
391, 427, 455, 472, 498, 136

CLERK: ...your committee on Education whose chairman is Senator Koch reports LB 309 to General File; LB 427 to General File; LB 455 to General File; LB 472 to General File; LB 498 to General File with amendments; LB 13 as indefinitely postponed; LB 254 indefinitely postponed; and LB 391 as indefinitely postponed, all signed by Senator Koch as Chair.

Mr. President, Senator Wagner would like to print amendments to LB 204A. (See pages 899 of the Legislative Journal.)

PRESIDENT: One more time, if everyone will be at their desks we will commence Final Reading. Would all members please get to your desks so we can start Final Reading. As soon as everyone is at his or her desk we will begin. All right, we will begin, Mr. Clerk. The first bill on Final Reading is LB 76.

CLERK: (Began reading LB 76 on Final Reading.)

PRESIDENT: Yes, for what purpose do you arise, Senator Chambers?

SENATOR CHAMBERS: This bill, Senator DeCamp and I had talked about it. Can we lay it over a day? There are some amendments that are going to be offered and we don't want to try to do it now and the other bills can go ahead and be read?

PRESIDENT: Mr. Speaker, what do you wish to do with...? Under these circumstances? Is that all right? All right, the Speaker says it is all right, Senator Chambers. We will just pass over the LB 76 and commence then with LB 83, Mr. Clerk.

CLERK: (Read LB 83 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 83 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 901 of the Legislative Journal.) 44 ayes, 1 nay, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 83 passes with the emergency clause attached. The next bill on Final Reading is LB 136.

CLERK: (Read LB 136 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 136 pass. All those in favor vote aye, opposed nay. Record the vote.

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LB 136, 325, 354, 457

CLERK: (Read record vote as found on page 902 of the Legislative Journal.) 32 ayes, 14 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 136 passes and the next bill on Final Reading, Mr. Clerk, will be LB 325.

CLERK: (Read LB 325 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 325 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 902-903 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 325 passes. The next bill on Final Reading, Mr. Clerk, is LB 354.

CLERK: (Read LB 354 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 354 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 903 of the Legislative Journal.) 44 ayes, 1 nay, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 354 passes. The final bill on Final Reading this morning, Mr. Clerk, is LB 457.

CLERK: (Read LB 457 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 457 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 904 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 457 passes and that will conclude Final Reading for this morning.

CLERK: Mr. President, the Public Health and Welfare Committee would like to continue their executive session underneath the South balcony, right now. Public Health and Welfare Committee underneath the South balcony.

SPEAKER MARVEL PRESIDING

March 16, 1981

LB 83, 136, 138, 290, 310,  
325, 354, 440, 457

SPEAKER MARVEL PRESIDING

DR. ROBERT PALMER: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senators Clark, Nichol and Hoagland would like to be excused for the day. Senators Newell, Cullan and Beutler...Beutler is here, Senators Newell, Cullan and Wesely...Wesely is here, too.

SPEAKER MARVEL: Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Have you got some items to read?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 290 and recommend that same be placed on Select File with amendments; LB 138 Select File. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 440 to General File with amendments. (Signed) Senator Koch.

Your committee on Government whose Chairman is Senator Kahle reports LB 310 to General File with amendments. That is signed by Senator Kahle.

Mr. President, I have reports from the Department of Health, Bureau of Examining Boards pursuant to statutory section; and one from the Department of Administrative Services, State Building Division, both offered in compliance with statutory provisions. They will be on file in my office.

Mr. President, Public Works Committee will meet in executive session at one thirty on March 18, 1981 in Room 1517. That is signed by Senator Kremer.

Mr. President, LBs 83, 136, 325, 354, and 457 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 83, LB 136, LB 325, LB 354, LB 457. Okay, let's go to item #4.

CLERK: Mr. President, the first item under gubernatorial

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LR 21, 30  
LB 24, 38, 51, 55, 83, 114, 128,  
136, 150, 154, 195, 217, 246, 250,  
272, 275, 279, 288, 302, 325, 354,  
388, 409, 434, 444, 457, 462, 515

SPEAKER MARVEL PRESIDING

REVEREND RON WASIKOWSKI: (Prayer offered. Microphone not on. See page 951, Legislative Journal.)

SPEAKER MARVEL: Record your presence. Record.

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

SPEAKER MARVEL: Did you have any other items?

CLERK: Yes, sir, I do. Mr. President, first of all, the Journal is without error this morning.

Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 55, 83, 114, 128, 136, 150, 154, 195, 217, 246, 272, 275, 279, 288, 325, 354, 388, 409, 434, 457, 462, 24, 38, and 51. See pages 951 and 952, Legislative Journal.)

Mr. President, I have a series of Attorney General opinions. One to Senator DeCamp regarding the Executive Board and the powers thereof; one to Senator DeCamp regarding payment of salary; one to Senator Nichol regarding LB 515.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 250 to General File with amendments; LB 444 to General File with amendments. Signed Senator Kahle as Chair.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 302 to General File with amendments and Public Works reports LR 21 back to the Legislature with amendments. Signed by Senator Kremer as Chair.

SPEAKER MARVEL: From Senator Barrett's District in the North balcony it is my privilege to introduce 19 senior high students from St. Ann's Catholic School, Lexington, Nebraska. Mr. Roger Lucas, Government teacher; Dr. Phillip Vreeland, English teacher. Will you hold up your hand so we can see where you are and greet you? Okay, we will go to item #4.

CLERK: Mr. President, the first resolution is offered by Senator Dworak. It is LR 28. It is found on page 737 of the Journal.

Mr. President, while Senator Dworak is missing, LR 30 by Senator Vickers. It is found on page 787. (Read.) That resolution, Mr. President, is found on page 787 of the Journal.