

January 14, 1981

LB 172-175

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Clerk will read in....okay, record your presence.

CLERK: Mr. President, Senator Higgins would like to be excused until she arrives. Senators Sieck, Warner, Remmers and Richard Peterson until they arrive, and Senator Wiitala until he arrives.

SPEAKER MARVEL: Have you all voted? While we are waiting for a quorum, it is my pleasure to introduce to you a guest of Senator Shirley Marsh, Efie Sumarlin from Indonesia who is a student at Lincoln Southeast High School. Will you please stand so we may welcome you. Okay, record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: What is the first order of business?

CLERK: Mr. President, I have a few matters to read in, if I may. Your Committee on Public Works whose Chairman is Senator Kremer to whom was referred.....excuse me, your Committee on Public Works gives notice of public hearing in Room 1517 for January 30, February 4, 5 and 6. (See page 167 of the Legislative Journal.)

Mr. President, I have received the annual report from the Nebraska Commission on the Status of Women. That will be on file in my office.

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

Mr. President, new bills: LB 172 (Read title). LB 173 (Read title). LB 174 (Read title). LB 175 (Read title). (See page 168 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we will proceed with the rules discussion. What is the first....

CLERK: Mr. President, I will let Senator Wesely.....

SPEAKER MARVEL: Senator Wesely, do you want to give us some background before we proceed?

SENATOR WESELY: Mr. Speaker, at this point we have adopted

LB 48, 62, 98, 172, 179,  
226, 239, 266, 299, 304,  
332, 342, 343, 344, 360,  
453, 454, 506, 545

March 24, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor Wayne Schroeder of the Calvary Lutheran Church and School, 28th and Franklin, Lincoln, Nebraska.

PASTOR SCHROEDER: Prayer offered.

SPEAKER MARVEL: Have you all recorded your presence? Is everybody here or are there still some missing? While we are waiting for the quorum you might be interested in the fact that our Clerk is hobbling around. The problem is that I was teaching him some dirty plays in basketball and got too vigorous. Record the vote.

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

SPEAKER MARVEL: Do you have some items under item #3?

CLERK: Yes, sir, I do, several in fact. Mr. President, I have a series of reports to read in. Your committee on Public Works whose chairman is Senator Kremer to whom was referred LB 98 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 226 to General File with amendments and LB 344 to General File with amendments, (Signed) Senator Kremer. (See pages 1082-1086 of the Legislative Journal.)

Your committee on Revenue whose chairman is Senator Carsten instructs me to report LB 454 to General File; LB 172 General File with amendments; LB 304 General File with amendments; LB 360 to General File with amendments; LB 506 General File with amendments; LB 48 indefinitely postponed; LB 62 indefinitely postponed; LB 299 indefinitely postponed; LB 332 indefinitely postponed; LB 342 indefinitely postponed; LB 343 indefinitely postponed; LB 453 indefinitely postponed, all signed by Senator Carsten as Chair. (See pages 1086-1089 of the Legislative Journal.)

Mr. President, your committee on Administrative Rules and Regs reports, whose chairman is Senator Vard Johnson, reports LB 266 to General File with amendments.

Your committee on Government reports LB 239 to General File with amendments and LB 545 to General File with amendments, signed Senator Kahle as Chair. (See pages 1089-1093.)

Mr. President, LB 179 is reported correctly engrossed.

Mr. President, LR 40, 41 and 42 are ready for your signature.

April 8, 1981

LB 87, 172, 536

The first order of business there is LB 536.

CLERK: Mr. President, if I may right before that, Senator Fenger would like to print amendments to LB 172 in the Journal. (See pages 1351 through 1353 of the Legislative Journal.)

Mr. President, LB 536 has no E & R amendments. I do have an amendment from Senator Beutler to the bill. Senator Beutler moves to amend LB 536 by reinstating the stricken language in lines 13 through 15 beginning with the word "the" in line 13.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Members of the Legislature, I wish to withdraw the amendment. I still have some concerns but at this point in time I don't have them in proper form for consideration by the Legislature. So at this time I wish to withdraw the amendment.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, I now have an amendment from Senator DeCamp and that is to the Beutler amendment so I presume that that would be withdrawn as well, Mr. President.

SPEAKER MARVEL: Hearing no objection, so ordered.

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

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 536 be advanced 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 LB 87.

CLERK: Mr. President, there are no E & R amendments to LB 87. I do have an amendment from Senator Higgins that was, I believe, pending. Senator Higgins, do you wish to withdraw that one? Okay. Mr. President, Senator Higgins wishes to withdraw her amendment.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, in lieu thereof I have an amendment

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LB 172

SPEAKER MARVEL: Motion is carried. The bill is advanced. LB 172 will be the last bill for the day as per our promise to you.

CLERK: Mr. President, LB 172 introduced by Senators Carsten and Warner. (Read title.) The bill was read on January 14. It was referred to the Revenue Committee, Mr. President, and it was advanced to General File with committee amendments attached.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, the committee amendments...I move for the adoption of the committee amendments. The committee amendments do two things. They delete the section that did raise the maximum bond amounts and, secondly, clarifies when the Department of Administrative Services submits to the Tax Commissioner information that is used in the determination of the variable tax rate. That is all that the committee amendments do, and I move for the adoption.

SPEAKER MARVEL: The motion is the adoption of the committee amendments as explained by Senator Carsten. All in favor of that motion vote aye, opposed vote no. Have you all voted? While we are waiting for you to vote, in the north balcony from Senator Fleck's District are 4th Grade students from Willard, York, Nebraska, 64 students and 24 adults, Verna Wolfe, Marge Edwards, Bruce Messinger, teachers. They are in the north balcony. Will you raise your hands so we can see where you are and we welcome you to the Unicameral. From Senator Wagner's District, twelve K through 3rd grade and six adults from Vinton District #23, Ord, Nebraska, Mrs. Karen Ohm is the teacher, and where are you located? Welcome to you. Record.

CLERK: 26 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendments are adopted. Now, Senator Warner, do you want to explain the bill and then advance the bill. Do you want Senator Carsten? Okay.

SENATOR CARSTEN: Mr. President, LB 172 makes several changes regarding the motor fuel and special fuels tax. The reports and the payments of the taxes required to be filed with the Tax Commissioner by interstate motor carriers on a monthly basis is now changed to a calendar quarterly basis. We have had some problems with some of the interstate

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LB 172, 239, 346, 547

carriers. Other states require quarterly, Nebraska requires monthly, and they have simply ignored the monthly reporting and it does put us in uniformity so that everybody will be doing the same thing at the same time. It also does the setting of the variable motor and special fuel tax rates that was established in LB 722 in 1980 and is changed from adjusting it monthly to adjusting it quarterly also. That, Mr. President, in addition to defining a special fuel dealer more clearly, is what the bill in its totality does. And I would move for the advancement of LB 172 as amended to E & R Initial.

SPEAKER MARVEL: The motion is to advance the bill as explained by Senator Carsten. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on advancement of the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. Do you have some items to read in, Mr. Clerk?

CLERK: Yes, Mr. President, if I may, Senator Schmit would like to print amendments to LB 547, Senator Kahle to 239, and Senator Vickers to 346. (See pages 1693 and 1694 of the Legislative Journal.)

Mr. President, Senator Koch, rather than have the Omaha delegation meet at 3:30, will meet upon adjournment in Room 1517. Is that right? Okay.

SPEAKER MARVEL: Senator Goodrich, do you wish to be recognized?

SENATOR GOODRICH: Members of the Legislature, could we have your attention for a couple of moments. Now, you all know by now that the Senators played a ball game last night with the Pages. Ordinarily, Senator Fitzgerald would be up here making a presentation. However, Senator Fitzgerald being the poor loser has declined the duty to make this presentation. However, now that we got that clear, why I am here instead of Senator Fitzgerald, now would Kitty assemble all the Pages because we have a rather unpleasant task here to perform. Are they all together, Kitty? They are all present? Okay. We have prepared something for the benefit of the Pages and I will read it to the members of the Legislature. It says: In Memoriam. Whereas the 1981 class of legislative Pages had the chautzpah to heap ignominy upon the distinguished Senators of the Nebraska State Legislature, the Unicameral Legislature of Nebraska extends its sincerest

May 5, 1981

LB 70, 163, 172, 184, 242, 250,  
285, 302, 310, 324, 369, 375, 494,  
497, 527, 557, 558, 559, 560, 561, 562.

aye, opposed vote no. Have you all voted? Senator Burrows.

SENATOR BURROWS: I would like a Call of the House and a roll call vote.

SPEAKER MARVEL: The first motion is, shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 16 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. Please return to your seats. Record your presence. Senator Burrows, do you want to record....Senator Kahle, Senator Hefner, Senator Goodrich, Senator Wagner, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch, Senator Labedz, Senator Higgins. While we are waiting, under the north balcony Mr. Jack Fletcher and his son, Monte, Jack is a former resident of Lincoln County, Nebraska, and now lives in Upland, California, and they are guests and friends of Myron Rumery. And from Senator Remmers' District, 14 students from Tablerock, Nebraska, Mrs. Griffith, teacher. Should be in the north balcony. Are they?

CLERK: Mr. President, while we are waiting, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 163 and find the same correctly engrossed, 557, 558, 559 and 560, 561, 562, all correctly engrossed. (Signed) Senator Kilgarin. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 242 and recommend that same be placed on Select File, 494 Select File with amendments, 369 Select File, 310 Select File with amendments, 497 Select File with amendments, 250 Select File, 302 Select File with amendments, 70 Select File with amendments, 285 Select File with amendments, 324 Select File with amendments. (See pages 1771 through 1773 of the Legislative Journal.) Mr. President, Senator Schmit, Kremer, Chronister and VonMinden move to place LB 375 and 377 on General File pursuant to Rule 3, Section 18(b). Senator Carsten would like to print amendments to LB 172, and Senator Lamb to LB 285. (See pages 1769 through 1771 of the Legislative Journal.)

SPEAKER MARVEL: Senator Labedz, Senator Higgins, Senator Chambers, Senator Goodrich. Senator Burrows, do you want to start the roll call? We have four that still are unaccounted for.

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LR 116  
LB 172, 216, 303, 322, 344,  
411, 529, 529A, 559, 160, 161

of the Chamber. That's the big thing. All right, we will proceed then, Mr. Clerk, with the reading of LB 559.

CLERK: (Read LB 559 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 559 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1813 of the Legislative Journal.) 42 ayes, 1 nay, 6 excused and not voting, Mr. President.

PRESIDENT: LB 559 passes with the emergency clause attached. You may read some things in, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 303 and recommend that same be placed on Select File; LB 216, Select File; LB 322, Select File with amendments; 411, Select File with amendments; 344, Select File with amendments; 172, Select File with amendments; LB 529, Select File, with amendments; LB 529A, Select File with amendments. (See pages 1815 through 1817 of the Legislative Journal.) Mr. President, new resolution, LR 116, offered by Senator Rumery. (Read LR 116 as found on page 1815 of the Legislative Journal.) Mr. President, that will be laid over pursuant to our rules. That's all that I have, Mr. President.

PRESIDENT: We will proceed then, Mr. Clerk, with LB 160.

CLERK: (Read LB 160 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 160 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1814 of the Legislative Journal.) 43 ayes, 1 nay, 5 excused and not voting, Mr. President.

PRESIDENT: LB 160 passes with the emergency clause attached. The next bill on Final Reading is LB 161.

CLERK: (Read LB 161 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure

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LB 172

CLERK: Mr. President, with respect to 172, there are E & R amendments pending, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 172.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed, the E & R amendments are adopted.

CLERK: Mr. President, I now have an amendment from Senator Fenger. It is found on page 1351 of the Journal.

SENATOR FENGER: That was withdrawn previously.

CLERK: You want it withdrawn, Senator?

SENATOR FENGER: If you please.

SENATOR CLARK: It is withdrawn.

CLERK: Yes sir, I have one other amendment, Mr. President. Mr. President, Senator Carsten would move to amend the bill it is on page 1771 of the Journal.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President, I will do this as hurriedly and as precisely as I can. A portion of the 172 will change the reporting procedures for interstate motor carriers on their fuel filings with the Department of Revenue from monthly to quarterly. Most states follow this practice. However, in Nebraska some motor carriers would defer to filing monthly rather than change to quarterly. This provision would give them a right by filing a request with the Department of Revenue to continue their monthly filings. Basically, the reasons for this, they are constantly and continually over purchasing the amount of fuel used in Nebraska. Therefore, they are always over paying their tax liability. By remaining on the monthly filings they will be permitted for their refunds each month as opposed to doing it on filing. Probably will only be a handful of motor carriers that would take advantage of this but it does provide for it with a request from the Department. I move for the adoption of the amendment.

SENATOR CLARK: Senator Beyer.



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LB 172, 411

SENATOR BEYER: Mr. Speaker and colleagues I certainly support Senator Carsten's amendment. It would be a tremendous help to a lot of the carriers that are on computers and that run their purchases through on a monthly basis in reporting. Smaller carriers would benefit more by the quarterly reporting, but the larger ones would be better off and I would certainly support it. Thank you.

SENATOR CLARK: Is there any other discussion on the Carsten amendment? If not, all those in favor vote aye, opposed vote nay. Record the vote.

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

SENATOR CLARK: The Carsten amendment is adopted.

CLERK: Nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: I move the advancement of 172 as amended.

SENATOR CLARK: You heard the motion, all in favor say aye, opposed nay. It is advanced. LB 411. The one we have been looking for. Is someone going to handle Sieck's amendment on this bill? Senator Hoagland.

CLERK: Mr. President, LB 411 was on Final Reading. On Final Reading Senator Sieck made a motion to return the bill for a specific amendment. That specific amendment is found on page 1982 of the Journal.

SENATOR CLARK: Senator Hoagland.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I'm going to take for Senator Hoagland while we prepare an amendment to this bill. LB 411 was introduced by Senator sieck and has to do with interlocutory appeals in criminal procedures. The amendment that is offered appears in the Journal on page 1982, and in essence strikes references to the use of this procedure by defendants. The reason being defendants have at the end of a trial the opportunity to appeal all of the evidentiary matters in the trial. It is only necessary really for prosecutors to have immediate appeals when a judge has ruled against their motion to allow certain evidence. If a judge has ruled that they can not allow that evidence, it's possible there would be a serious flaw in the prosecutions case. They need this

May 27, 1981

LB 12, 172, 242, 302, 321,  
344, 376, 411, 488, 494

SPEAKER MARVEL: The House is under Call. All legislators should be in their seats and record your presence. Senator Burrows, will you record your presence? Senator Koch, will you record your presence? Senator Schmit, will you record your presence? Senator Remmers. Mr. Sergeant at Arms, we have two excused and we need to find Senator Schmit. After we have completed this activity, will you please remain. We have an announcement to make. Senator Newell, are you ready for the roll call. Do you want a roll call vote? Okay, call the roll.

CLERK: (Roll call vote taken. See page 2313, Legislative Journal.) 23 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: The motion lost. May I have the attention of the Legislature for just a moment. I would like to read a statement. "The Governor has notified us that he will act on all legislation by Friday, May 29th. Through the Governor's cooperation in taking this prompt action, it will enable us to meet on Friday, May 29, 1981, and adjourn sine die that day." It is now my recommendation that we continue with our original calendar and meet this Friday and adjourn that date sine die. I believe this accommodates most of the members desires. However, please understand that all bills not correctly engrossed at the start of business today, the 88th Day, cannot be considered on Final Reading until the final date, the 90th Day. This proposal allows us to accomplish all goals set forth for this legislative session. If you have questions, I would suggest that you talk either to Senator Lamb or to Mr. O'Donnell. Do you have something you wish to read in?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 172 and find the same correctly engrossed; 242, 302, 321, 344, 411, 488, and 494 all correctly engrossed. (Signed) Senator Kilgarin.

Mr. President, I have an Attorney General's opinion addressed to Senator Lamb regarding LB 376.

SPEAKER MARVEL: Underneath the South balcony, it is my privilege to introduce as a guest of Senator Jim Goll his daughter visiting from San Francisco, Mrs. Sarah Goll Haskell. Where are you located? Will you please stand up so we can see where you are? Welcome to the Unicameral. What is the next order of business, Mr. Clerk?

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LB 95, 95A, 172, 242

All members will return to your desks. As soon as everybody is at their desk we will commence with the reading of LB 95.

CLERK: Mr. President, I have a report of registered lobbyists for the week of May 22 through May 28. (See pages 2389-2390 of the Legislative Journal.)

PRESIDENT: I think we are about ready. I think we can begin, Mr. Clerk. All right, we will proceed then, Final Reading, LB 95, Mr. Clerk.

CLERK: (Read LB 95 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 95 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 2390 of the Legislative Journal.) 37 ayes, 11 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 95 passes. Next bill on Final Reading is LB 95A, Mr. Clerk.

CLERK: (Read LB 95A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 95A pass. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2391 of the Legislative Journal.) 38 ayes, 8 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 95A passes. I might just announce that the Speaker is, at the request of Senator Nichol and others, the Speaker has taken off of Final Reading, 242 which occurs a few bills down so you might want to make a note on your agenda. 242 will not be read on Final Reading today. The next bill on Final Reading, Mr. Clerk, is LB 172.

CLERK: (Read LB 172 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 172 pass. All those in favor vote aye, opposed nay. Record the vote.

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LB 172, 218, 234, 234A, 285

CLERK: (Read record vote as found on page 2392 of the Legislative Journal.) 47 ayes, 0 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 172 passes. The next bill on Final Reading, Mr. Clerk, is LB 218.

CLERK: (Read LB 218 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 218 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2392-2393 of the Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 218 passes. The next bill on Final Reading is LB 234, Mr. Clerk.

CLERK: (Read LB 234 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 234 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 2392 of the Legislative Journal.) 49 ayes, 0 nays, Mr. President, on adoption of LB 234.

PRESIDENT: LB 234 passes. The next bill on Final Reading, Mr. Clerk, is LB 234A.

CLERK: (Read LB 234A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 234A pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 2394 of the Legislative Journal.) 47 ayes, 0 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 234A passes. The next bill on Final Reading, skipping over then, 242, is LB 285.

ASSISTANT CLERK: (Read LB 285 on Final Reading.)

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want to take one more bill then? Okay, fine. Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2406-2407 of the Legislative Journal.) 37 ayes, 8 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 352 passes with the emergency clause attached. The next bill on Final Reading before the break for lunch is LB 385.

ASSISTANT CLERK: (Read LB 385 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 385 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2407-2408 of the Legislative Journal.) 29 ayes, 14 nays, 2 excused and not voting, Mr. President, 4 present and not voting.

PRESIDENT: LB 385 passes. If you would read some matters in and then we will get ready for recess.

CLERK: Mr. President, a letter from the Governor addressed to the Clerk. (Read. Re. LB 406, 548, 389 as found on page 2409 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 321 and find the same correctly enrolled.

Mr. President, I have a veto message from the Governor addressed to Dear Mr. President and Senators. (Read. Re. 129A. See page 2408 of the Legislative Journal.)

Mr. President, finally LB 95, 95A, 172, 218, 234, 234A, 235, 302, 389A, 318, 344 and 352 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LB 95, LB 95A, LB 172, LB 218, LB 234, LB 234A, LB 285, LB 302, LB 318, LB 344 and LB 352. Well, let's let somebody... Senator Marsh, do you wish to recess us until one-thirty.

SENATOR MARCH: I move we recess until one-thirty.

PRESIDENT: The motion is to recess until one-thirty. Any... All those in favor to recess until one-thirty signify by saying aye, opposed nay. We are recessed until one-thirty.