

January 16, 1981

Mr. President, Senator Schmit would like to have a meeting of the Ag Committee underneath the North balcony now if he could, and it is Ag Committee underneath the North balcony with Senator Schmit, immediately if possible.

PRESIDENT: The Legislature will be at ease until Speaker Marvel determines that we will go back.

EASE

PRESIDENT: The Legislature will come to order just for the purpose of the Clerk reading some matters into the record. Mr. Clerk, you may proceed.

CLERK: Mr. President, Senator Clark would like to announce that Senator Goodrich has been selected as vice chairman of the Telecommunications Committee.

Mr. President, new bills. Read LB 247-265 by title as found on pages 205-209 of the Legislative Journal.

Mr. President, your committee on Appropriations gives notice of agency hearings for Monday, January 26, signed by Senator Warner as chairman.

PRESIDENT: The Legislature will continue to stand at ease until approximately 11:15 a.m.

CLERK: Meet in Room 1517 at eleven o'clock? The Executive Board in Room 1517 at eleven o'clock.

PRESIDENT: The Legislature will come back to order. The Clerk has some matters to read in.

CLERK: Mr. President, I have a reference report referring LB 172-205 and rereferring LB 95. (See page 213 of the Legislative Journal.)

Mr. President, I have new bills. (Read by title, LB 266-283 as found on pages 214-218 of the Legislative Journal.) Mr. President, that is all the matters that I have this morning.

PRESIDENT: Any other messages on the desk, Mr. Clerk?

CLERK: No, sir, I have nothing further.

PRESIDENT: In that case the Chair will recognize Speaker Marvel.

SPEAKER MARVEL: I move we adjourn until Monday, January 19, 1981, at 10:00 a.m.

April 30, 1981

LB 132, 241, 255, 486, 560

LR 67 as found on pages 1668 and 1669 of the Legislative Journal.)

Mr. President, your committee on Appropriations reports LB 255 to General File with amendments. (See page 1669 of the Legislative Journal.)

I have a message from the Governor addressed to the Clerk. (Read message as found on page 1669 of the Legislative Journal regarding LBs 241, 486 and 132.)

Mr. President, with respect to LB 560, I have no E & R amendments. There are Appropriations Committee amendments, Mr. President, found on page 1640, 1641.

SPEAKER MARVEL: Senator Warner, do you wish to explain the committee amendments?

SENATOR WARNER: Yes. Mr. President, I move adoption of the committee amendments. There are three in number, none of which has any impact on...or any addition of dollars. The first amendment merely changes some program numbers in the state college appropriation to accurately accommodate the state accounting system. The second amendment is an adjustment in the salary policy for the Coordinating Commission...the maximum salary of the Coordinating Commission for Postsecondary Education for one of the positions and the adjustment, which again is no increase in money. It's \$47. And the last amendment is only language clarifying that the University's budget submission next year for '82-'84 would be under the interchange program classification structure with the University of Nebraska at Lincoln. The Institute of Agriculture, the University of Nebraska at Omaha, the Medical Center, and the Systems Office will be submitted as individual budgets which is what we traditionally do anyway, but it spells it out in the bill. I would move adoption of the amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. All those in favor of that motion vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried and the committee amendments are adopted.

CLERK: Mr. President, I now have an amendment from Senator... well, Senator Newell had amendments on 1547 that he would like

January 12, 1982

LB 131, 255, 341,
664, 797

CLERK: Mr. President, if I may right before that, I have notice of hearing for the Constitutional Revision and Recreation Committee for January 28 and 29. Your committee on Education gives notice of hearing for January 19. Your committee on Public Health gives notice of hearing for Monday, January 18, and Tuesday, January 19. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 664 and find the same correctly engrossed.

Mr. President, new bill, LB 797 offered by Senator Vickers. (Read title). (See page 249 of the Legislative Journal).

Senator Wagner and Hefner would like to print amendments to LB 255 in the Journal, Mr. President. (See page 249 of the Legislative Journal.)

Your committee on Nebraska Retirement Systems whose Chairman is Senator Fowler to whom was reported LB 131 reports same to General File with committee amendments attached, Mr. President.

SPEAKER MARVEL: Are we ready for 341?

CLERK: Yes, sir.

SPEAKER MARVEL: Okay, LB 341.

CLERK: Mr. President, LB 341 offered by Senator Hoagland. (Read title). The bill was read on January 19 of last year, referred to the Judiciary Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President.

SPEAKER MARVEL: Senator Nichol, do you want to take the committee amendments?

SENATOR NICHOL: Yes, Mr. Speaker. The Judiciary Committee adopted one amendment to the bill which reinstates language which was stricken in the bill. The language which is reinstated prevents claims from being filed under the political subdivisions Torts Claim Act when these claims occurred before January 1, 1970. I move for the adoption of the committee amendments.

SPEAKER MARVEL: All those in favor of the committee amendments as explained by Senator Nichol vote aye, opposed vote no. Have you all voted?

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

SENATOR CLARK: Senator Warner, on the amendments of the Appropriations Committee.

SENATOR WARNER: Mr. President, members of the Legislature, the Appropriations Committee reduced the bill from a one million transfer to the fund to half a million. Is there an amendment to reduce that to two hundred and fifty thousand or is it drawn to the bill, Pat?

CLERK: Actually it is drawn to the bill, Senator, I think.

SENATOR WARNER: Why don't I vote down the committee amendment then if that is the way it is drawn. As you will recall this is the fund that was set up, actually following World War I I guess initially, but it is the fund that the investment from which the...particularly hardship cases involving veterans are funded and as I understand, and whoever is offering the reduced amount amendment, but as I understand, because of the interest earnings and so forth that they are adequate funds and it is acceptable. It would be \$250,000 rather than the \$500,000 that was reported to the floor. So I guess I suggest we reject the committee amendment if that is the way it is drawn and then adopt the amendment the introducers are offering at a lower level.

SENATOR CLARK: The committee amendments is the question before the House. All those in favor of the committee amendments vote aye, opposed vote nay. This is on the committee amendments. Have you all voted? Record the vote.

CLERK: 6 ayes, 16 nays on adoption of committee amendments.

SENATOR CLARK: The committee amendments are not adopted. Is there another amendment?

CLERK: Yes, sir. Senator Hefner and Wagner move to amend the bill and the amendment is found on page 249 of the Journal. It would strike 1981 and insert 1982 on page 2 and on page 3, line 20, strike one million and insert \$250,000.

SENATOR CLARK: Senator Wagner, do you want to take the amendment?

SENATOR WAGNER: Mr. Speaker and members, Senator Hefner and I had introduced this amendment. Senator Hefner could not be here today and our amendment puts in \$250,000 into the veterans fund and passed out this morning is a letter from the veterans counsel and if you notice it is initialed

by about six senators that supported the bill and that is Senator Hefner and VonMinden, Wagner, Chronister, Wesely, DeCamp. Essentially it is just kind of a simple amendment and what it does is just to strike the million dollars to \$250,000. And the Veterans Council supports this and I would urge the adoption of this amendment.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays on adoption of Senator Hefner and Wagner's amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Is there any further amendments on the bill?

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

SENATOR CLARK: The question before the House then is the advancement of the bill to E & R. Senator Wagner.

SENATOR WAGNER: I would so move, Mr. Chairman.

SENATOR CLARK: Is there any discussion? If not, all those in favor of advancing to E & R vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The bill is advanced. Senator Haberman, would you like to adjourn us until nine-thirty on the 25th after the Clerk reads in a couple of things.

CLERK: Mr. President, one brief item, Senator Sieck would like to print amendments to LB 274 in the Journal. (See page 392 of the Legislative Journal.)

SENATOR CLARK: That is all we have, go ahead.

SENATOR HABERMAN: Mr. President, I move that we adjourn until 9:30 a.m. on January the 25th.

SPEAKER MARVEL PRESIDING

DR. PALMER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence.

CLERK: Mr. President, Senators Beutler and Goll would like to be excused until they arrive. Senators Warner, Kilgarin and DeCamp would like to be excused for the day, Mr. President.

SPEAKER MARVEL: Have you all recorded your presence?

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

SPEAKER MARVEL: Before we proceed it is my privilege to introduce to the Legislature 30 new fellows from a program known as L.E.A.D. and L.E.A.D. is a two year program of intensive training of the young agricultural leaders for tomorrow. It is designed to build a storehouse of leadership, an informed group of young men and women who can deal with the issues and the issues that affect Nebraska agriculture in its relationship to the whole state and the nation. Each year 30 young Nebraskans, primarily between the ages of twenty-five and forty, are selected as agricultural leadership fellows for the two year course of study. Three-fourths of them are from production agriculture. Other candidates are selected from the ranks of agribusiness. They must have demonstrated a strong leadership potential. It was my privilege along with Senator Wesely to spend two hours last evening at Nebraska Wesleyan visiting with this fine group and so will you please give a hand to members of the L.E.A.D. program and when you get an opportunity maybe you can visit with them so let's give them a hand before we start. Welcome to the Unicameral.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: A quorum being present, Mr. Clerk, any corrections to the Journal?

CLERK: The Journal is without error this morning, Mr. President.

PRESIDENT: Okay, any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 375 and recommend that same be placed on Select File with amendments; LB 267 Select File with amendments and LB 255 Select File with amendments, all signed

days to come and I would make one other statement. And because I happen to be a perfectionist why I get in trouble periodically but we have attempted to handle a very difficult package of bills and I, for one, find it very reluctant to sit and settle on half of the bills or twenty-five percent of the bills but as far as...let me repeat what I said before. I appreciate your comments. When we come back next week we will try to at least get together with the chairmen and I consider the fact that what you had to say and what you had to suggest was done in all sincerity and, therefore, I appreciate it. Criticism doesn't bother me except for the first twenty-five minutes it happens. Mr. Clerk...The first order of business is LB 402. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 402.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. LB 525, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 525.

SPEAKER MARVEL: The motion is the adoption of the amendments to LB 525. All those in favor...okay, we're on E & R amendments now, okay. The motion is the adoption of E & R amendments to LB 525. All those in favor of that motion say aye, opposed no. The motion is carried. The amendments are adopted. The motion now is to advance the bill.

SENATOR KILGARIN: I move we advance LB 525.

SPEAKER MARVEL: All those in favor say aye, opposed no. The motion is carried. LB 255, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 255.

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

SENATOR KILGARIN: I move we advance LB 255.

SPEAKER MARVEL: The motion is to advance 255. All those in favor of that motion say aye, opposed no. The motion is carried. Go ahead.

SENATOR KILGARIN: I move we advance LB 255A.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of the motion say aye, opposed no. The motion is carried. The bill is advanced. Okay, there is an additional item put on 435 so it will be crossed off and

February 9, 1982

LB 237, 255, 274, 402, 525,
589, 598, 646, 649, 802,
828, 832

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Prayer by the Reverend Donald Nunnally, Pastor of Calvary United Methodist Church of Lincoln.

REVEREND NUNNALLY: Prayer offered.

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all recorded your presence? Have you all recorded your presence? The Clerk will record.

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

SENATOR CLARK: Are there any messages, reports or announcements?

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator DeCamp regarding a proposed rule and regulation by the Political Accountability and Disclosure Commission. That will be inserted in the Journal. (See pages 597-600 of the Journal).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 255 and find the same correctly engrossed; 274, 402, 525, 589, 598, 646 and 649 all correctly engrossed. That is signed by Senator Kilgarin as Chairman. (See pages 600 and 601 of the Journal).

Mr. President, I have a request from Senator Lamb to print resolutions from Chadron State College in the Legislative Journal for ultimate legislative approval. (See pages 601 and 602 of the Journal).

Mr. President, your committee on Public Health and Welfare whose Chairman is Senator Cullan instructs me to report LB 832 advanced to General File with committee amendments attached; 802 indefinitely postponed; and 828 advanced to General File. All signed by Senator Cullan as Chair. (See page 603 of the Legislative Journal).

SENATOR CLARK: We are ready for #4, motions, LB 237 by Senator Wesely to withdraw a bill. Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, the question before the House is the life and death of LB 237, a bill which has served the state well in its brief life. This bill attempts to deal with a very

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LB 924, 255

Legislative Journal.) 20 ayes, 19 nays, Mr. President, on the motion to suspend the rules.

SENATOR CLARK: The motion lost. We will go to LB 255.

CLERK: Mr. President, Senator Warner would move to return LB 255 to Select File for a specific amendment.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, 255 as you know is the \$250 thousand for the veterans' fund and what the amendment would do is have that transfer take place April 1 rather than July 1. It is the same, does not change the dollar amount at that time. The only purpose is to again ease some of the cash flow problems through the summer. I'd point out that the earnings so far this year has amounted to \$714 thousand. Their expenditures have been \$629 thousand so it would appear that they would have ample earnings in any event but it does meet the conditions of the money being placed in that fund during this fiscal year but it gives us a little relief on the cash flow over the summer. I move the bill be returned to permit that and then the A bill will have to be amended likewise for an April 1 date for which it would take effect.

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I can appreciate the cash flow problem we're having here and I reluctantly go ahead and support this amendment but with kind of the understanding that very definitely that \$250 thousand will be put in there next year in April and also then the following in the next session come about for the other \$250 thousand and that was kind of guaranteed us this year. We split that up so as I say, reluctantly I do support the Warner amendment.

SENATOR CLARK: Senator Koch. Senator Vard Johnson. Senator Vickers, your light is on. Do you want to talk? Senator VonMinden.

SENATOR VONMINDEN: Mr. Chairman, members of the body, I'd also like to remind him, I'll go along with the amendment too but a year and a half ago we were promised a million dollars and last year we amended to a half a million dollars. This year we go to \$250 thousand and now we're asked again to delay it another eight months. I just want to remind you senators who will be around here next year that we would like it put in then. After all war does cost quite a bit of money. It costs a few lives and a few arms and a few legs and all we're asking is a few bucks. I'd like to say one

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LB 255, 255A

more thing. All we want is \$12 million which we still have but we haven't spent it. Just imagine if we would give a bonus like some other states had given, if we would give a bonus to World War I guys, let's say \$300 like Iowa did and just give it to fifty thousand veterans would have been \$15 million so all we are asking is \$12 million. I just want to remind you next year of what we are doing this year by delaying it another eight months. Thank you.

SENATOR CLARK: Senator Warner, do you wish to close?

SENATOR WARNER: Mr. President, I guess I didn't speak too clearly the first time. The purpose of the amendment is to have the funds placed into the trust fund April 1 rather than July 1. It still would have the full \$250 thousand at that time but it would ease some of the cash flow problems this summer if it would be done at that time and Senator Wagner has indicated that he would be willing to support this and that is the only reason for doing it. So I would move the bill be returned to place that later date of April 1.

SENATOR CLARK: The question before the House is the return of LB 255. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 29 ayes, 1 nay, Mr. President, on the motion to return the bill.

SENATOR CLARK: Now the amendment.

SENATOR WARNER: Mr. President, I move the amendment be adopted as explained.

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

CLERK: 35 ayes, 1 nay, Mr. President, on adoption of Senator Warner's amendment.

SENATOR CLARK: The amendment is adopted. Now the return of the bill. All those in favor of readvancing the bill say aye, opposed. The bill is readvanced. Anything further on the bill?

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

SENATOR CLARK: We will take up LB 255A.

CLERK: Mr. President, Senator Warner would move to return LB 255A to Select File for a specific amendment.

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LB 255, 255A, 412

SENATOR CLARK: We've got two bills on the way up here. If we can just hold off until we get the two bills on the way up. Senator Haberman.

SENATOR HABERMAN: I believe you ruled a few minutes ago at twelve o'clock we were through and the session....

SENATOR CLARK: Just a minute, we have two bills to read in here.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 255 and find the same correctly engrossed; LB 255A correctly engrossed and LB 412 correctly engrossed.

SENATOR LANDIS: Move to adjourn.

SENATOR CLARK: All right, that is not debatable. Yes, what is your point?

SENATOR CHAMBERS: I think the record should show that those bills were read at twelve o'clock, not before twelve midnight.

SENATOR CLARK: The motion is to adjourn. All those in favor of adjourning say aye, opposed. We are adjourned until tomorrow morning at nine o'clock.

Edited by Arleen McCrory.
Arleen McCrory

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LB 212A, 255, 255A

CLERK: (Read LB 212A on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass. All those in support vote yes, those opposed no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read record vote as found on pages 1967-1968 of the Legislative Journal.) 37 ayes, 11 nays, 1 excused and not voting, Mr. President.

SENATOR LAMB: The bill passes on Final Reading. Please read the next bill.

ASSISTANT CLERK: (Read LB 255 on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached. Those in support vote yes, those opposed vote no. It requires 33 votes.

ASSISTANT CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

ASSISTANT CLERK: (Read roll call vote as found on page 1968 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SENATOR LAMB: LB 255E passes on Final Reading. Before we continue we have from Senator DeCamp's district, 6 eighth grade students and 4 adults from St. John's Catholic School Petersburg, Nebraska, Don Adams, Principal, in the North balcony, and by the way, Senator DeCamp attended this school. Would you please stand and be recognized if you are still in the area. Thank you for visiting your Legislature. Also from Senator Warner's district, 40 fourth grade students, Mrs. Jill Lambert, teacher, in the North balcony. Please rise and be recognized. Welcome to your Legislature. The next bill is LB 255 A (E).

ASSISTANT CLERK: (Read LB 255A on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached. Those that are in support vote yes, those opposed vote no. It takes 33 votes.

LR 212, 266, 268, 269, 272, 274, 277,
278, 287, 292, 293, 295, 298, 304,
313, 316, 331, 359, 380, 388, 389
LB 278, 378, 378A, 480, 568, 602A,
604, 629, 629A, 669A, 688, 693, 708, 760,
835, 909, 967, 522, 212, 212A, 255, 255A

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RECESS

PRESIDENT LUEDTKI PRESIDING

PRESIDENT: Has everybody recorded your presence?
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President. Mr. President, I have a reference report from the Executive Board referring a gubernatorial appointment. (Page 1971 of the Legislative Journal.)

Mr. President, new resolutions. LR 388 offered by Senators Cullan and Newell. (Read LR 388 as found on pages 1973 and 1974 of the Legislative Journal.) Mr. President, 389 offered by Senator Wesely. (Read LR 389 as found on page 1974 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Koch. That will be inserted in the Journal. (See pages 1974 through 1976 of the Legislative Journal regarding LB 602A.) That is on LB....Bingo, that is right, senator.

Mr. President, I have a message from the Governor addressed to the Legislature. (Read message. Pages 1976-77 of the Journal regarding LB 669A.)

Mr. President, two other communications from the Governor addressed to the Clerk. (Read communications regarding LBs 278, 378, 378A, 480, 568, 604, 629, 629A, 688, 693, 708, 760, 835, 909, 967. Page 1977 of the Journal.) A second letter to the Clerk, Mr. President. (Read letter regarding LBs 609, 609A, 669, 714, 714A, 854, 854A. Page 177 of the Journal.)

Mr. President, I have a gubernatorial appointment of Mr. Robert Borgmann to the Motor Vehicle Industry Licensing Board. (See page 1978 of the Journal.)

Mr. President, the bills that we have read on Final Reading this morning are now ready for your signature as well as the resolutions that were passed Wednesday of this week by the Legislature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LR 212, LR 266 and LR 268, 269, 272, 274, 277, 278, 287, 292, 293, 295, 298, 304, 313, 316, 331, 359, and 380. And the LBs are engrossed legislative bills 522, 212, 212A, 255, and 255A. Okay, as I understand it we

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LB 212, 212A, 255, 255A, 522,
759, 787E, 799, 816A

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read the record vote as found on page 1991 of the Legislative Journal.) 40 ayes, 7 nays, 2 excused and not voting, Mr. President.

SENATOR LAMB: LB 759 passes on Final Reading. The next bill is LB 787E.

ASSISTANT CLERK: (Read LB 787E on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? All those in support vote yes, all those opposed vote no. It requires 33 votes.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read the record vote as found on page 1992 of the Legislative Journal.) 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

SENATOR LAMB: LB 787 passes with the emergency clause attached. LB 799.

CLERK: Mr. President, if I may right before that read some items in. I have a lobby report for the week of April 8 through April 15. (See page 1993 of the Journal.) Your Enrolling Clerk has presented to the Governor the initial bills that were read on Final Reading this morning. (See page 1993 regarding LBs 522, 212, 212A, 255 and 255A in the Journal.)

Mr. President, I have two Attorney General's Opinions, one to Senator Warner and one to Senator DeCamp. (See pages 1993-97 of the Legislative Journal.)

Mr. President, I have a reference report referring a gubernatorial appointment.

SENATOR LAMB: Please read the bill.

CLERK: Mr. President, I have a motion on the bill. Senator Remmers would move to return LB 799 to Select File for a specific amendment, that amendment being to strike the enacting clause.