

January 19, 1981

LB 357-388

Journal a motion he is submitting pursuant to Rule 6, Section 2, to rerefer LB 245.

Mr. President, new bills: (Read title to LB 357-388 as found on pages 261-268 of the Legislative Journal.)

SPEAKER MARVEL: Your agenda for tomorrow will show that we will adjourn until 9:30 a.m. There will be a chairmen's meeting at nine o'clock and Exec Board at eleven o'clock. Those two latter meetings will be in Room 1520. Senator Haberman, would you like to adjourn us until nine-thirty tomorrow.

SENATOR HABERMAN: Mr. President, I move that we adjourn sine die until nine-thirty tomorrow morning.

SPEAKER MARVEL: Leave out the sine die.

SENATOR HABERMAN: Move we adjourn until nine-thirty tomorrow morning.

SPEAKER MARVEL: All those in favor say aye, opposed no. We are adjourned until nine-thirty tomorrow morning.

Edited by:


Mary A. Turner

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

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LB 437, 379

for an accident. They don't want to be in violation of the law. They want to comply. They don't want to have themselves on the hook for some accident and then find out later that they were breaking a speed limit ordinance that they had no knowledge of and the only way for them to know that is to be given adequate notice and that is what LB 437 does. It provides for adequate notice and it gives the railroads a chance to react to the passing of a speed limitation ordinance. I might close by saying this does not prohibit speed limit ordinances in any way. Cities are absolutely free to make speed limit ordinances as they wish but the bill does require the notification of railroads. I would urge the adoption by the body of LB 437.

SENATOR CLARK: The question before the House is the advancement of 437. Is there any discussion? If not, all those in favor vote aye, all those opposed vote nay. Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. The next bill is 379, Public Health.

CLERK: Mr. President, LB 379 was introduced by the Public Health and Welfare Committee and signed by its members. (Read.) The bill was read on January 19. It was referred to Public Health and Welfare. It was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I would just like to inform the Clerk that he butchered the word "nurse anesthetists" and let him go by but I butchered it for about the first twenty times I uttered the word too so I guess we will let him go. The committee amendments do primarily four things. They prohibit independent practice by nurse anesthetists. I believe that was already in the existing bill but we made it absolutely clear that nurse anesthetists cannot have an independent for fee practice. Secondly, we ensure that the schools of professional nursing or in other words, the diploma nursing schools are included in the definition of educational institutions because we did not want to exclude graduates of those diploma schools from engaging in the Nurse Practices Act and meeting requirements under this act. The third requirement requires consent of an anesthesiologist as well as consultation with an anesthesiologist in determining the care given to patients and the fourth is a ...

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changes the term of the anesthesiologist on the board from one year to two years. Those are the committee amendments and after they are adopted I will explain the bill.

SENATOR CLARK: The question before the House is the adoption of the committee amendments to LB 379. All those in favor vote aye, all those opposed nay, the committee amendments. Have you all voted on the committee amendments to LB 379? Record the vote.

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Senator Cullan, on the bill itself.

SENATOR CULLAN: Mr. President, members of the Legislature, LB 379 is the output, the work product of a task force on the expanded role of nursing which I appointed in July of this year. The task force consisted of a representative of the Department of Health, Bureau of Examining Boards. Rex Higley chaired the task force. It also had representatives of the nurses in the state, the other health practitioners in the state to work out the expanded role of nursing legislation which you see before you. The first twenty-five sections of LB 379 are general, consist of general language which sets out the guidelines and the format, if you will, for the expanded role of nursing. Sections 25 through 36 specifically set up the first of what will probably be a series of expanded roles for nursing in the State of Nebraska. The first and the only major change that we are actually making this year in the nursing practice in the State of Nebraska has to deal with the nurse anesthetist. The nurse anesthetists are those people who work with anesthesiologists in that area of practice. The bill provides that these individuals can work in consultation and with the consent of physicians to carry out their very important function. This bill is one that is absolutely necessary in my opinion and in the opinion of the representatives of the Department of Health because the current Nurse Practices Act does not provide for the independent practice that, or, excuse me, not independent practice, but the various functions that nurse anesthetists are currently carrying out. And so they can, in fact, in my opinion they are practicing outside of the current statutory authority which they have. That could result in some litigation and those people could be in a good deal of trouble if we do not allow this bill to pass. In the long range future the task force, ten member task force, which I have appointed will continue to work on the various nursing specialties and hopefully we will come in with legislation in the next several years to set up further expanded

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role of nursing in these various nursing specialties. The nurse specialties I feel are important to the practice of medicine and particularly in a rural state like Nebraska. Nurses do and are receiving additional training beyond the diploma or the four year program that they currently have now to attain these nurse specialties and so I think that in the long run this will be something that will be of importance to the State of Nebraska. This particular bill does very carefully define the role of the nurse anesthetists and includes, sets up their scope of practice and also their relationship with physician and the many requirements that they must meet before being allowed this expanded role. I guess that is all I would have to say at this point in time. I would urge you to adopt LB 379 and ensure that these individuals will be able to practice within the scope of the legislative authority that we grant. Thank you.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, I wonder if Senator Cullan would respond to a question, please.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Yes.

SENATOR VICKERS: Senator Cullan, I apologize, I was called out in the rotunda for a little bit but could you tell me if the nurse practitioner created by this act, do they have to operate under the auspices of a medical doctor or are they licensed under the auspices as a physician's assistant is?

SENATOR CULLAN: No, they are considerably different. Well, I don't mean to say no in total. What I mean to say is that they are considerably different than physician's assistant. They cannot have an independent for fee service. They have to work with the consent and consultation of a supervising physician but the physician does not of course have to be there at all times. They can set up the protocol for their actual practice but they are not independent practitioners. They must work in consultation with the consent of a physician.

SENATOR VICKERS: So there is a procedure whereby they are under the control a licensed physician then?

SENATOR CULLAN: Absolutely but they are given considerably more responsibility commensurate with their training than are the regular registered nurse.

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LB 44, 111, 119, 201, 323,
LB 379, 337, 505, 536

SENATOR VICKERS: Okay, thank you very much, Senator Cullan.

SENATOR CLARK: The question before the House is the advancement of LB 379. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. We will now take up LB 44.

CLERK: Mr. President, may I read some material in?

SENATOR CLARK: You bet, go right ahead and read it in.

CLERK: Mr. President, Senator Koch would like to have an executive session of the Education Committee Monday, March 30 upon adjournment in Room 1517.

Mr. President, Senator Chambers asks to print amendments to LB 111 in the Legislative Journal. (See page 1169 of the Legislative Journal.)

Appropriations Committee will meet in executive session today upon adjournment in Room 1003.

Senator Beutler would like to print amendments to LB 536 in the Legislative Journal. (See page 1169.)

Public Health and Welfare reports a gubernatorial appointment hearing.

Your committee on Business and Labor reports LB 119 indefinitely postponed; 201 indefinitely postponed; 323 indefinitely postponed; 337 indefinitely postponed and 505 indefinitely postponed, (Signed) Senator Maresh, Chair.

Mr. President, LB 44 was introduced by the Criminal Justice and Law Advisory Committee. (Read.) The bill was read on January 8, referred to Judiciary for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: On the committee amendments, Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, the Judiciary Committee amendments on LB 44 completely re-draft the bill so what I would like to do, Mr. Chairman, is

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LB 44, 47, 56, 84, 113, 151,
173, 218, 220, 308, 313, 331,
370, 379, 392, 478.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Reverend Sidney D. Ellis of the Church of Christ, Lincoln, Nebraska.

REVEREND SIDNEY D. ELLIS: Prayer offered.

CLERK: Mr. President, Senators Beyer, Fowler and Vard Johnson would like to be excused for the day. Senators Hoagland, Cullan and Wiitala until they arrive.

SPEAKER MARVEL: Record the vote, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything for item #3?

CLERK: Yes, sir. Mr. President, first of all I have got a correction in the Journal found on page 1221. (See page 1230 of the Journal.)

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 218 to General File with amendments; 370, General File with amendments; and 308 indefinitely postponed. (Signed) Senator Koch. (See pages 1230 through 1235 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly reengrossed.

Mr. President, LBs 47, 84, 151, 220 and 313 are ready for your signature.

Mr. President, I have a Reference Report from the Executive Board referring LB 556 to the Appropriations Committee and that is signed by Senator Lamb as Chairman of the Reference Committee.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 47, LB 84, LB 151, LB 220, LB 313.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 379 and recommend that same be placed on Select File with amendments; 44, Select File with amendments; 173, Select File with amendments; 331, Select File with amendments; 392, Select File with amendments; 478, Select File with amendments; 113, Select File with

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LB 437, 379

SPEAKER MARVEL: Do you want to turn your light off too please. Senator Labedz, your light is on. The motion is the Cullan amendment to LB 437. All those in favor of the adoption of that amendment vote aye, opposed vote no. We are voting on the Cullan amendment to LB 437. Record the vote.

CLERK: 27 ayes, 0 nays on the adoption of the Cullan amendment Mr. President.

SPEAKER MARVEL: The motion is carried, the amendment is adopted.

CLERK: I have nothing further on the bill.

SPEAKER MARVEL: Okay, Senator Kilgarin, 437.

SENATOR KILGARIN: I move LB 437 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, the bill is advanced as amended. The final bill this morning LB 379.

SENATOR KILGARIN: I move the E & R amendments to LB 379.

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

CLERK: Mr. President, Senator Wesely moves to amend:
(Read Wesely amendment.)

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, this is a small technical amendment brought to me by the legal counsel for the Public Health Committee. It is just a technical change and would clean up the bill.

SPEAKER MARVEL: Any further discussion? All those in favor of the amendment vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays on the adoption of the Wesely amendment, Mr. President.

SPEAKER MARVEL: Okay the motion is carried. The Wesely amendment to LB 379 is adopted.

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LB 379, 494, 290, 327

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

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 379 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.

CLERK: Mr. President, I have. . . Senator Labeledz would like to print amendments to 494. Senator Chambers would like to print a motion to LB 290 in the Journal. Senator Landis prints amendments to LB 327. Again, Mr. President, a reminder to the Government Committee will meet under the north balcony upon recess this morning.

SPEAKER MARVEL: Senator Pirsch, will you recess us until 1:15 p.m. please.

SENATOR PIRSCH: I would be happy to, Mr. Speaker. I move we recess until 1:30 p.m. this afternoon.

SPEAKER MARVEL: 1:15.

SENATOR PIRSCH: 1:15? Excuse me. 1:15 this afternoon.

SPEAKER MARVEL: The motion is to recess until 1:15 p.m. All those in favor say aye, opposed no. (Gong) All those in favor vote aye, opposed vote no to recessing until 1:15. Have you all voted? Record.

CLERK: 16 ayes, 6 nays to recess till 1:15 p.m., Mr. President.

SPEAKER MARVEL: Motion carries. We are recessed till 1:15 p.m.

Edited by

Lavera M. Benischek
Lavera M. Benischek

April 8, 1981

LB 113, 113A, 125, 174,
LB 179, 291, 328A, 331,
LB 257, 379, 392, 400,
LB 478, 479

as previously explained. All those in favor of adopting the amendments vote aye, opposed vote no. Have you all voted? Senator DeCamp. Have you all voted?

SENATOR DeCAMP: Mr. President, how many are excused? And who might they be? I just wondered. Mr. President, I change from aye to nay for purposes of reconsideration.

CLERK: 16 ayes, 22 nays, Mr. President, on the adoption of the DeCamp, Fowler, Wesely amendment.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, may I read some material in?

A communication from the Governor addressed to the Clerk. (Read. Re: LB 125, 174, 291. See page 1358, Legislative Journal.)

Senator Landis offers explanation of vote.

Senator Carsten would like to print amendments to LB 179.

A new A bill, LB 328A. (Read title. See page 1359, Legislative Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 113 and find the same correctly engrossed; LB 113A correctly engrossed; 331 correctly engrossed; 379 correctly engrossed; 392 correctly engrossed; 478 correctly engrossed; and 479 correctly engrossed. All signed, Senator Kilgarin.

Public Works reports LB 400 to General File with amendments, Mr. President.

Mr. President, the next motion I have on LB 257 is to indefinitely postpone the bill and that is offered by Senator Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. President, I would like to withdraw that. I ask unanimous consent to withdraw that motion.

SPEAKER MARVEL: Hearing no objection, so.....

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

SPEAKER MARVEL: Senator Warner, your light is on. Do you

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LB 331, 379, 392

a couple of bills setting up another \$50,000 prize. Now gasohol, in my opinion, is a bit of an unusual situation because of its importance to the state. But, nonetheless, I think this type of bill should be strictly limited in its application. Now I don't think that limiting it to three years is unreasonable. Thank you.

PRESIDENT: The question is the adoption of the motion to return for the Beutler specific amendment. All those in favor vote aye, opposed nay. Motion to return. Have you all voted? The Beutler motion to return LB 331. Senator Beutler, do you want to....all right, record the vote.

CLERK: 8 ayes, 23 nays on the motion to return, Mr. President.

PRESIDENT: Motion fails. I would remind everyone that we are still on Final Reading, and if everyone would return to your desks at this time, we will proceed with LB 379 and see if we can get a bill read. Let's wait until everyone gets to their desks. Would everyone please return to your desk so we can....I think we are finally going to read a bill on Final Reading this morning. LB 379. Okay, Mr. Clerk, I guess we are ready now for LB 379, Final Reading.

ASSISTANT CLERK: (Read LB 379 on Final Reading.)

PRESIDENT: (Gavel) Would all members please be at their desks? We are on Final Reading, and if some can do it, others would like to do it too, and pretty soon it would be chaos. Go ahead, Mr. Clerk.

ASSISTANT CLERK: (Continued reading LB 379 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 379 pass? All those in favor vote aye, opposed nay. Record the vote, Mr. Clerk.

CLERK: (Read the record vote as found on pages 1453 and 1454 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 379 passes. The next bill on Final Reading is LB 392. Proceed, Mr. Clerk.

ASSISTANT CLERK: (Read LB 392 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure

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LB 11, 40, 184, 248,
334, 334A, 346, 379,
392, 463, 479

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer this morning will be given by Dr. Al J. Norden, Pastor at the University Lutheran Chapel, 15th and Q Streets since 1951.

DR. AL J. NORDEN: (Prayer offered.)

SPEAKER MARVEL: Please record your presence.

CLERK: Mr. President, Senators DeCamp and Beyer would like to be excused for the day; Senators Hoagland, Wesely, Wiitala and Cullan until they arrive.

SPEAKER MARVEL: Have you all recorded your presence? We still need a vote. Record.

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

SPEAKER MARVEL: Do you have anything under item #3.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have examined and reviewed LB 11 and recommend that same be placed on Select File with amendments; 346 Select file with amendments; 334 Select File; 334A Select File; 248 Select File with amendments; 463 Select File with amendments. All signed by Senator Kilgarin as Chair.

Mr. President, an Attorney General's opinion addressed to Senator Richard Peterson regarding LB 184. That will be inserted in the Journal. (See pages 1476 and 1477.)

I have a report from the Department of Administrative Services to do with communications. That will be on file in my office, Mr. President.

And, Mr. President, LBs 40, 379, 392, and 479 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 40, LB 379, LB 392, LB 479. We are now ready for item #4, Final Reading. Will all legislators please take their seats, unauthorized personnel please leave the floor? We cannot proceed until all legislators are in their seats. We are still waiting for all legislators to leave your group and go to your seat so we can proceed with Final Reading. Will the whip in the back of the room please

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LB 3, 40, 249, 366
LB 35, 379, 381, 392, 479

SPEAKER MARVEL: Record the vote.

CLERK: 14 ayes, 18 nays, Mr. President.

SPEAKER MARVEL: Motion lost. There is still a lot of discussion. Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: Mr. Speaker, I move to recess until 1:30 p.m. today.

SPEAKER MARVEL: Can we hold that just briefly while we advance LB 249 which is below? Senator Kilgarin, are you there? The E & R amendments to LB 249.

SENATOR KILGARIN: I move the E & R amendments to LB 249.

SPEAKER MARVEL: All in favor of that motion say aye. opposed no. Excuse me?

SENATOR KOCH: Record vote.

SPEAKER MARVEL: On 249? Okay, a record vote has been requested. On the motion to advance, Senator Koch? Okay. All those in favor of the... Okay, the motion now is to advance the bill. We have already advanced the E & R amendments and this or a machine vote has been requested. So, we are voting on the advancement of LB 249. All in favor of that motion vote aye, opposed vote no. The motion is the advancement of the bill. Have you all voted? Have you all voted? Record the vote.

CLERK: Mr. President, Senator Landis requests a record vote. (Read record vote as found on pages 1486-1487 of the Legislative Journal.) 25 ayes, 10 nays, Mr. President.

SPEAKER MARVEL: I have a couple of announcements. First of all, we will return to the bill that is pending. If we don't adopt this procedure you simply lose all the momentum that has been created. So somebody asked the question, do we come back to LB 35 and the answer is yes. In case the chairmen have not received a notice, we will meet at 8:15 a.m. tomorrow in Room 2102 and by this afternoon we will discuss a little bit about appropriation bills so lest you think you are going to have a lot of rest, just come on back this afternoon. Okay.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 381 and recommend that same be placed on Select File; LB 3 Select File; 366 Select File, all (Signed) Senator Kilgarin.

Your Enrolling Clerk has presented LB 40, 379, 392 and 479 to the Governor.

LB 40, 132, 200, 266, 280, 284,
329, 330, 333, 360, 366, 371,
379, 392, 395, 407, 437, 479, 318.

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SENATOR BEUTLER: Mr. Speaker, I think I would like to have a roll call vote and a Call of the House.

SPEAKER MARVEL: All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 20 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Unauthorized personnel.....yes, go ahead.

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator Carsten regarding LB 284. (See pages 1499 through 1501.) Senator Schmit would like to print amendments to 360, Senator Wesely to 266, Senator Newell to 395, Senator Wesely to 366, Senator Beutler to 132, Senator Vickers to 266. (See pages 1494 through 1498 of the Legislative Journal.)

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 40, 200, 280, 329, 330, 333, 371, 379, 392, 407, 437, and 479 as found on page 1502 of the Journal.)

SPEAKER MARVEL: Senator Wagner, Senator Schmit, Senator Haberman, Senator Chambers. Senator Haberman, Senator Higgins. Senator Koch.

SENATOR KOCH: Mr. Speaker, I move that we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: We are in the middle of a vote, Senator Koch. Senator Beutler, everyone who is not excused.... everybody is here except Senator Chambers. Shall we proceed with the roll call? Okay, all legislators will please return to your seats so we can complete the roll call. The Chair is not authorized to proceed until you are in your seats. Okay, call the roll.

CLERK: (Read the roll call vote as found on pages 1493 and 1494 of the Legislative Journal.) 23 ayes, 19 nays, on the motion to indefinitely postpone the bill, Mr. President.

SPEAKER MARVEL: Motion prevails. What else do we have?

CLERK: Mr. President, Senator Vickers asks unanimous consent to add his name to LB 266 as co-introducer.

SPEAKER MARVEL: No objection, so ordered.