

January 8, 1982

LR 201
LB 704 - 708

that Oklahoma beat Nebraska. I take my lumps. Nebraska beat Oklahoma, but Oklahoma this year, as you know, based on their prior standards was a toothless paper tiger. Clemson Tigers on the other hand were a different story.

PRESIDENT: Thank you, Senator Chambers. Okay, who else wants to...Senator....I guess we are ready for closing. Which one of you wants to close, Senator Wagner or Senator Kilgarin? Senator Kilgarin, will you close?

SENATOR KILGARIN: All I want to say now is that Senator Fenger just corrected me that it shouldn't be myself saying I am a South High graduate but there is a lot more South High graduates in this body than I guess I admitted, and George is one of them. So we would really appreciate your vote and I know all Nebraskans appreciate your vote to commend the football team. Thanks.

PRESIDENT: Okay, the motion is the adoption of LR 201. All those in favor vote aye, opposed nay. For this one you have got to go up Big Green rather than Big Red. Record the vote.

CLERK: 36 ayes, 0 nays on adoption of the resolution, Mr. President.

PRESIDENT: Motion carries and LR 201 is adopted. Before we go on to General File, I suppose you have some other things to read in, Mr. Clerk. Before we do that, is Senator Duda down here? I think that we should take due recognition of Duda today. Tomorrow is Senator Duda's birthday. Shall we tell them how many, or would you like to let them ask you? Okay, 61. So he beats us...some of us, so we want to say, Happy Birthday to Senator Duda. There will be some cake I guess a little later. Happy returns of the day, Walt. Do you want to say something to this august body at this point?

SENATOR DUDA: Thank you, no. At this point birthdays don't come as a surprise but the cake did. But anyhow I thank you kindly.

PRESIDENT: Okay, thank you. All right, we will proceed then with some reading of matters into the record, Mr. Clerk.

CLERK: Mr. President, new bills. LB 704 offered by the Telecommunications Committee and signed by its members. (Read title). LB 705 offered by Senator Nichol. (Read title). LB 706 offered by Senator Landis. (Read title). LB 707 offered by Senator Landis. (Read title). LB 708 offered by Senator DeCamp. (Read title). (See pages 165 and 166 of the Journal).

January 29, 1982

LB 590, 677, 705, 718,
719, 722, 724

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol reports LB 590 to General File; LB 705 to General File; LB 718 to General File; LB 719 to General File; LB 724 to General File; LB 677 General File with amendments; LB 722 General File with amendments. Signed by Senator Nichol as Chair.

February 8, 1982

LB 703, 705

SENATOR KAHLE: So I move that LB 703 be advanced as amended.

SENATOR CLARK: Is there any discussion on the advancement of 703 to E & R? If not, all those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The bill is advanced. LB 590.

CLERK: Mr. President, I have a request from Senator Beutler to pass over 590.

SENATOR CLARK: All right, we will put it on the Pass Over file. LB 590A also?

CLERK: Yes, sir.

SENATOR CLARK: 705.

CLERK: Mr. President, LB 705 (read title). The bill was read on January 8 of this year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. I have no amendments on the bill, Mr. President.

SENATOR CLARK: Senator Nichol on the bill.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 705 is a very simple bill. Current law provides that nine percent interest on a condemnation judgment which is appealed and interest rates on delinquent taxes is set at the rate of fourteen percent. This proposal would tie the interest rate on condemnation appeals to that section of statute setting interest rates on delinquent taxes. This bill would provide that individuals who obtain a judgment and are appealed and are sustained on appeal receive a rate of interest commensurate with the same rate that any citizen would pay on delinquent taxes. So simply put, it simply raises the amount of interest to be paid on the judgment at fourteen percent instead of nine percent which perhaps is more realistic with the present interest rates.

SENATOR CLARK: Is there any discussion on the advancement of LB 705? If not, all those in favor vote aye, opposed vote nay.

February 8, 1982

LB 705, 718, 719

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the advancement of 705? Record the vote.

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The Chair declares 705 advanced to E & R. 718.

CLERK: LB 718 (read title). The bill was read on January 8 of this year, referred to the Judiciary Committee for public hearing, and advanced to General File. Mr. President, I have no amendments to the bill.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 718 eliminates two current provisions of law which relate to the terms and quorum requirements of the Nebraska Supreme Court. The bill was introduced on behalf of the Supreme Court and repeals the requirement that the Supreme Court meet on the first Monday of January and the third Monday of September. If this section is removed, the Court has told the committee it will allow them to increase the days they are able to hear cases, and if they want to work, I am all for that. Secondly, the bill repeals obsolete procedure regarding the quorums of the Court. The Supreme Court used to have terms and now they ignore these terms anyway and this procedure would simply delete that obsolete language.

SENATOR CLARK: You want to leave the absolute language out, right. The question is the advancement of 718. Is there any discussion? All those in favor of advancement vote aye, opposed vote nay. Voting aye, Mr. Clerk.

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. LB 719.

CLERK: LB 719 (read title). The bill was read on January 8 of this year, referred to the Judiciary Committee. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

February 10, 1982

LB 264, 309, 347, 403, 418, 542
563-66, 572, 579, 642, 659, 677
703, 705, 718, 719, 722, 724,
764, 774, 778, 779, 797, 852,
879, 606, 32, 229, 490, 492

SPEAKER MARVEL PRESIDING

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Item #2, roll call. Please record your presence. Record your presence. Pat, do you want to record.

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

SPEAKER MARVEL: Do you have anything under #3?

CLERK: Mr. President, I have several items. First of all I have a reference report referring LR 218 to the Banking Committee for public hearing.

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: 264, 309, 347, 403, 418, 563, 564, 565, 566 and 572 as found on page 613 of the Legislative Journal.)

A second communication. (Read re. LB 542.) And a third, Mr. President, from the Governor addressed to the Clerk. (Read re. 32, 229, 490 and 492. See pages 613-614 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch reports LB 642 advanced to General File; LB 774 advanced to General File; LB 797 advanced to General File with amendments. Those are signed by Senator Koch.

Your committee on Public Works whose chairman is Senator Kremer offers a corrected statement to LB 852. (See pages 614-615 of the Legislative Journal.)

Mr. President, your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle reports LB 879 advance to General File with committee amendments attached. That is signed by Senator Kahle. (See page 615 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 606 and recommend that same be placed on Select File; 579 Select File; 703 Select File with amendments; 705 Select File; 718 Select File; 719 Select File; 724 Select File; 677 Select File; 722 Select File with amendments; 659 Select File; 764 Select File with amendments and 778 Select File with amendments and 779 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 615-616 of the Legislative Journal.)

February 11, 1982

LR 219
LB 458, 647, 705, 782

Senator Vard Johnson would like to print amendments to LB 647 in the Journal; Senator Carsten to print amendments to 705. (See pages 670-673 of the Journal.)

Your committee on Nebraska Retirement Systems whose Chairman is Senator Fowler reports LB 458 advanced to General File with committee amendments attached. That is signed by Senator Fowler. (See pages 673-676 of the Legislative Journal.)

Mr. President, Senator Fowler would like to add his name to LR 219 as co-introducer.

SENATOR CLARK: No objections, so ordered.

CLERK: Mr. President, LB 782.

SENATOR CLARK: 782?

CLERK: Yes, sir. It was introduced by Senator Marvel and Senator Kilgarin. (Read title.) The bill was read on January 12, referred to Government, Military and Veterans Affairs. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Government Committee.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, the amendments to 782 are to clarify some of the provisions that needed some attention in that bill, so I move for adoption of the committee amendments.

SENATOR CLARK: Before I take that motion, I would like to introduce two guests before they leave. One from Norfolk, Marlin Winter, guest of Senator Richard Peterson. Also Senator Haberman has Gaylord Lacey from Grant, Nebraska. They are both under the north balcony, or one is under the north and one under the south, I guess. Will you stand and be recognized, please? Welcome to the Legislature. The question before the House is the adoption of the committee amendments. All those in favor vote aye, opposed vote nay. We are voting on the committee amendments on 782. Have you all voted?

CLERK: Senator Clark voting yes.

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

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

March 4, 1982

LB 703, 705

SENATOR KILGARIN: I move the E & R amendments to LB 703.

SENATOR CLARK: The motion is to adopt the E & R amendments on 703. All those in favor say aye. Opposed. The amendments are adopted. Do you have anything further on the bill?

ASSISTANT CLERK: Nothing further, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 703.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 705.

ASSISTANT CLERK: Mr. President, there are no E & R amendments, but I do have an amendment from Senator Carsten. That amendment is found on page 671 of the Journal.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President, I move for the amendment to LB 705. This amendment adds a new section and does not affect the present content of the bill at all. The added section, it puts the sales and income tax law that should have been included in LB 167 last year back in the... where it should be that dealt with the uniform delinquent tax rate. It was inadvertently left out last year and it really amounts to a housekeeping amendment. All the others were included in 167 last year but this one was left out. It does not change the bill or the intent of the bill in any way whatsoever. It is only a harmonizing amendment. I move for its adoption.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, Senator Cal Carsten tells the truth. I approve of his amendment.

SENATOR CLARK: He approves of his truth telling. All those in favor of the Carsten amendment will vote aye...do you want to clear the board? Will vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

April 1, 1982

LR 233, 238, 239
LB 705, 816, 893

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of the Carsten amendment.

SENATOR CLARK: The amendment is adopted. Anything further on the bill?

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 705.

SENATOR CLARK: The motion is to advance LB 705, but Senator Nichol wants to wait a while. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, there is an amendment that we passed out this morning. Didn't I give you a copy of it? And then also there is one other small amendment that should be put on and I can have that ready after lunch, so I would prefer to hold it until after lunch so that we don't take it over to Final Reading and have to bring it back.

SENATOR CLARK: We will hold it until after lunch. Senator Wesely, you had an announcement to make and then would you like to recess us until 1:30 after this. Wait, we have some things to read in first.

ASSISTANT CLERK: Mr. President, I do have a series of items to read in. Your committee on Ag and Environment whose Chairman is Senator Schmit reports 893 to General File with amendments. Your committee on Revenue whose Chairman is Senator Carsten reports LB 816 to General File with amendments. (See pages 984-986 of the Journal.)

New resolutions, LR 238 offered by Senator Koch. (Read LR 238 as found on pages 983 and 983 of the Legislative Journal.) That resolution will be laid over.

LR 239 also offered by Senator Koch. (Read LR 239 as found on page 983 of the Legislative Journal.)

Mr. President, your committee on Appropriations gives notice of Executive Session on Saturday, March 6th at 8:00 a.m.

Finally, Mr. President, I have an amendment from Senator Schmit to be printed in the Journal. That amendment is to LR 233. (See page 986 of the Journal.)

March 4, 1982

LB 631, 705

did take just one minute.

SENATOR FOWLER: Well, Mr. President, it seems...and Senator Schmit may, in fact, be right that with regards to... since it was his amendment that I understand that he introduced on Select File, it just seemed appropriate that we ought to discuss this issue on Select File again. The racing industry didn't feel the need for a public hearing, the normal process, and so on. They like to do these things quickly and quietly perhaps. But I think that there is a need to look at this and I don't think the priorities in the state should be saving the small race tracks at the expense of education, and yet that seems to be exactly what a number of Senators here advocate. There are many major issues facing us, many things that we should act on in time and yet it seems the only thing yet this session that I have seen any discernible panic about is this bill, that suddenly this is the only thing everybody is agitated about, saving the race track. Now it seems to me that this probably, although it may be a priority in certain parts of the state, isn't the only priority we would address. I think that it is appropriate to restore things back to the way they were before the Schmit amendment, then Senator Schmit could follow his own advice and introduce a bill and have a public hearing as it should have been done. So I would move for adoption of this amendment.

SENATOR CLARK: The question before the House is the adoption of the Fowler amendment. All those in favor will vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 10 ayes, 23 nays, Mr. President, on adoption of Senator Fowler's amendment.

SENATOR CLARK: The motion lost. Now the question before the House is the advancement of the bill. All those in favor say aye. Opposed. The bill is advanced. We will go now to 705 where we left off.

CLERK: Mr. President, with respect to 705, there was an amendment adopted this morning by Senator Carsten. Senator Nichol now has an amendment. I believe copies have been distributed.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, this is the bill we were talking about before lunch and you will recall that Senator Carsten put an amendment on, and we are talking about interest rates

March 4, 1982

LB 705, 718

on the awards made by condemnation and the amendment that I have does three things. First of all, it includes the emergency clause. Secondly, it says that the condemnnee must agree to the stipulation offered by the condemner. Otherwise there would be an unequal burden and that all the condemner would have to do would be to offer such a stipulation and the condemnnee would have no recourse. Then, in addition to that, the amendment makes the act applicable to an appeal whether it is taken by a condemnnee or a condemner so it is equal both ways. Presently it is applicable only if the appeal is taken by the condemner with regard to the stipulation. I move for the adoption of amendment.

SENATOR CLARK: Is that the legatee or the legator?

SENATOR NICHOL: Something like that.

SENATOR CLARK: Thank you. We have no lights on up here so the question before the House is the adoption of the Nichol amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 26 ayes, 0 nays on the motion to adopt Senator Nichol's amendment.

SENATOR CLARK: The Nichol amendment is adopted. Is there anything further on the bill?

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

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I move the advancement of the bill.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. We go to LB 718.

CLERK: Mr. President, I have nothing on 718.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 718.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. I would like to

March 15, 1982

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Roll call. Record the vote, Mr. Clerk, or the presence, I mean.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as published. Are there any other messages, reports or announcements?

CLERK: Mr. President, I have a report from the Department of Roads. That will be on file in my office.

The Committee on Business and Labor whose chairman is Senator Barrett instructs me to report LB 967 advance to General File with committee amendments attached; LB 968 as indefinitely postponed, both of those signed by Senator Barrett.

A new resolution, LR 248 offered by the Administrative Rules Committee calls for an interim study into the feasibility of employing an independent hearing examiners system for state agencies in Nebraska. (See page 1149 of the Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 69 and find the same correctly engrossed; 359, 428, 571, 623, 659, 705, 724, 779 all correctly engrossed, those signed by Senator Kilgarin as Chair. (See page 1151 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 652 and recommend that same be placed on Select File with E & R amendments attached; 522 E & R amendments attached; 568 E & R amendments attached. Those are signed by Senator Kilgarin as Chair. (See pages 1150-1151 of the Legislative Journal.)

Your committee on Public Works whose chairman is Senator Kremer reports LB 785 advance to General File and LR 212 advance to General File. Those are signed by Senator Kremer. (See page 1152 of the Legislative Journal.)

I also have a committee on Public Works report on a gubernatorial confirmation hearing.

And, Mr. President, Senator Beutler would like to add his name to LB 577 as cointroducer.

March 19, 1982

LB 697, 705, 716

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

ASSISTANT CLERK: (Read the record vote as found on page 1291 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read 705 with the emergency clause.

ASSISTANT CLERK: (Read LB 705 on Final Reading.)

SENATOR CLARK: 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 favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting yes.

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

ASSISTANT CLERK: (Read the record vote as found on pages 1291 and 1292 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read 716.

ASSISTANT CLERK: (Read LB 716 on Final Reading.)

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting yes.

SENATOR CLARK: I would like to introduce to the Legislature a guest of Senator Burrows, Phyllis Lyons from McCook, Nebraska, member of the WIFE organization. She is under the north balcony. Would you stand and be recognized, please? Welcome to the Legislature. Have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 1292 and 1293 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

LB 520, 577, 591, 604A, 623, 629, 629A,
634, 651, 659, 697, 705, 716, 724, 759,
774, 779, 784, 792, 839, 877, 931, 941,
951, 626, 961, 962

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626 up to the point where it was the other day before this misunderstanding occurred. I thank you very much.

PRESIDENT: Any further discussion? Senator Rumery, do you have any closing on the advance?

SENATOR RUMERY: Just this, Mr. President, there has been reference made to sinister moves by a lobbyist and I would like to say that Mr. Paul O'Hare worked with us and I can truthfully say that we have not considered that he was doing anything underhanded at all, and I would like to have that for the record. I ask you to move the bill.

PRESIDENT: Did I hear a request for a record vote? I figured I would. Okay, Senator, we will go to the board then. All those in favor of advancing LB 626 to E & R for Engrossment vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 9 nays on the motion to readvance the bill, Mr. President.

PRESIDENT: Motion carries. LB 626 is advanced to E & R for Engrossment. You may read some things in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 591 and recommend that same be placed on Select File; 520 Select File with amendments; 629 Select File with amendment; 629A Select File, and 759 Select File. (Journal page 1305.)

Mr. President, Senator Warner would like to print amendments to LB 604A in the Journal. (Page 1304 of the Journal.)

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

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 577, 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

PRESIDENT: Before we go into the next matter, the Chair takes the privilege of introducing 41 Seventh Grade students from Sandy Creek District from Fairfield, Nebraska. They are up here in the south balcony, Mr. David Nienkamp, their instructor. Would they kind of just wave to us. It is so crowded up there, let's see where you are up there. Welcome to your Legislature, to the Unicameral. Ready, Mr. Clerk, on LB 870.

LR 270

LB 127, 259, 601, 611, 623, 642, 644,
647, 651-2, 659, 678, 696-7, 700,
716, 724, 757, 767-7A, 774-776,
779, 784, 792, 816, 828, 839, 845,
877, 931, 941, 951, 961-2, 705

March 29, 1982

Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.