

23100
February 9, 1973

SPEAKER: Senator you did not vote on -

SENATOR STULL: It shows that I was not voting.

SPEAKER: Is there a second to that motion? Senator Stull has made the motion to reconsider our action on LB 100, I believe that was advanced, it was not advanced, pardon me, it failed to advance because of the lack of 25 vote, I believe that is correct Senator Stull. Senator Stull.

SENATOR STULL: Well I think when Senator Barnett got a record of the vote, it showed me not voting and also some others that felt that they had pressed the button, I'm sure I pressed my green button, but I think maybe I pressed it before the machine was turned on. So for that reason I would like to reconsider it at this time.

SPEAKER: The motion is to reconsider LB 100, is there a need for further discussion of that motion. Senator Marvel.

SENATOR MARVEL: If it is in order I'd like to ask Senator Barnett a question in view of LB 100 because I didn't have a chance to vote either, would you explain the purpose of the bill for me please?

SENATOR BARNETT: The purpose of the bill is to remove once more, is in section 83-125 under the Department of Public Institutions. If there is any action taken against an employee by removal procedures, he has the right to appeal to the person who fires him.

SENATOR MARVEL: And at the moment he does not have this right.

SENATOR BARNETT: No this is the only right he has, and what we do is remove this statute and allow him to appeal to the personnel board in the state of Nebraska, the same as all the other state employees.

SENATOR MARVEL: And without your bill he would not have this right to appeal.

SENATOR BARNETT: That is correct.

SENATOR MARVEL: Okay, thank you.

SPEAKER: The Chair will rule that in view of the fact that just LB 100 failed to advance that we will take up the bill, I don't think the chair needs a motion to reconsider, so let's just consider that we're, in effect reconsidering LB 100, and is there need for further discussion of LB 100 at this time? Senator Goodrich do you wish to discuss LB 100.

SENATOR GOODRICH: Yes I have a question for Senator Barnett, if he will yield?

SPEAKER: Okay, Senator Barnett will you yield?

SENATOR BARNETT: I'll try to.

SENATOR GOODRICH: The thing I wanted to know from you, is, exactly, I want to be sure I know exactly what we are doing in this bill, in essence do you concur with me in my understanding of the bill, and that is, that if we eliminate this section we are prohibiting the director of the Department of Institutions from taking action to remove an employee of his department, what it boils down to, if he takes that action against an employee of his department, he then, the employee then, has the right of appeal through the personnel board, we are taking the right of final decision away from the Director of Department of Institutions and giving it to the personnel board who could reinstate the employee if they saw fit, right, so chose.