

April 6, 1979

LB 80

book indicates very clearly, Rule 1, Section 18C, that the Clerk must write the hour of adjournment. Since that motion passed and there was an adjournment that is what the Journal should say. Although court cases have indicated repeatedly that the Journal is the official record of what happens in the Legislature, the Journal can be overturned if the record clearly shows that what is in the Journal is not what happened, and the transcription of the events of yesterday will show that, in fact, there was an adjournment which was voted on despite the fact that that is not reflected in the Journal and I think we ought to make a determination at some point as to the legal impact, if any, of an adjournment as opposed to a recess. The rules distinguish between the two, and on the last page of the rule book it even indicates that a motion to recess takes priority over a motion to adjourn. So the two are not the same and I wanted to call that to your attention. By the way, this black arm band is a sign of mourning...not for me, but for you.

PRESIDENT LUEDTKE: Alright. The Chair recognizes Speaker Marvel. Speaker's privilege.

SPEAKER MARVEL: I have visited with both the Attorney General and the Deputy and will submit a letter to them in this regard as far as the difference between adjournment and recess is concerned, and as soon as I get that back from the Attorney General, I will circulate it to the Legislature.

PRESIDENT LEUDTKE: Alright, we'll proceed then with special order Agenda Item #6 for one hour and fifteen minutes according to the agenda on LB 80. Mr. Clerk, if you will read the bill...

CLERK: Mr. President, LB 80 introduced by Senator Shirley Marsh of the 29th. (Read LB 80.) The bill was read for the first time on January 5 of this year. The bill was referred to the Judiciary Committee. There are Committee amendments pending by Senator Nichol's Judiciary Committee, Mr. President.

PRESIDENT LEUDTKE: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, Committee amendment 1 strikes Sections 65, 66, 68 and 69. Section 65 simply changes the word "he" to "obligor". Section 66 changes the masculine gender in the statutes