

SPEAKER MARVEL: The motion is carried and the amendment is rejected. Senator Wagner, do you wish to be recognized?

SENATOR WAGNER: Mr. Speaker, can I speak on the bill or do you want to lay this over now until Tuesday?

SPEAKER MARVEL: Do you wish to advance the bill?

SENATOR WAGNER: I would like to advance the bill.

SPEAKER MARVEL: Okay, the motion is the advancement of LB 109. The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker, the original bill dealt with giving discretionary authority to require any party or parties requesting a hearing pay a proportional share of the cost of the transcript. The reasoning behind this change is, prior to August 1980 the department's rules and regulations contained language that allowed them to make such an assessment, however, when a dispute arose over this matter the Attorney General's office advised them that their rules were not in such a statutory power as to allow them to enforce such rules. The alternative given to them by the Attorney General was to ask the body to amend Section 46-209 to allow for the discretionary power which had previously existed uncontested in their rules. The department feels that the state general fund should not have to bear the burden of the cost of a transcript at a hearing held at the request of someone other than the department. By allowing this revision of the statute to allow the discretionary power the department estimates that a savings to the department's general fund would be approximately \$2,000. A hearing costs roughly \$250, however, the costs can vary for an example, the Little Blue NRD Transbasin Diversion hearing at the request of a party other than the department ran well over \$16,000 and this is basically the reason for doing it. It gives the department discretionary powers if they so request and people will pay a part of the cost of transcripts. Thank you.

SPEAKER MARVEL: The motion is the advancement of the bill to E & H for review. All those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: Okay, the motion is carried. The bill is advanced.

CLERK: Mr. President, very quickly if I may, Senator Vickers