

PRESIDENT: Speaker Marvel, shall we recess for just a short while and then I think we only have about one more bill that has come in? About ten minutes? We will stand in recess until about...no, we had better not recess, just at ease. Yes, because we don't want to recess for that short period of time. We will be at ease then for about ten minutes. The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: I would like to make my daily speech and that is that we are stalled now once again. We have got bills that are about ready to come out of the bill drafter's office. We can not do a thing with them until you sign them and put them on the Clerk's desk. So those of you who have legislation that is ready to be processed, will you please give them to the Clerk and if necessary, contact the bill drafter and urge them to get the bills out too. We have got to get the bills out so that they can be referred so that they can then proceed on their normal path and we are helpless unless you can get your bills out and get them signed.

PRESIDENT: All right, we will now stand at ease for ten minutes which will be about twenty minutes till eleven.

EASE

PRESIDENT: The Legislature will come back to order. The Clerk will continue reading new bills. Would those of you who desire to have any bills introduced this morning had best get them in because we are going to adjourn rather soon. So I would urge you to get them to the Clerk's desk at once, otherwise we are going to adjourn.

CLERK: Read LB 92-98 by title for the first time as found on pages 117-118 of the Legislative Journal.

PRESIDENT: One more, if there are any more to bring up to the Clerk's desk, bring them up right now. I have been advised if you would like to have your bill be number 100, get up here quickly. We are offering all kinds of inducements to bring them up at this time. We can't offer any discounts though.

CLERK: Read LB 99 and 100 by title for the first time as found on page 118 of the Legislative Journal.

PRESIDENT: Are there any other bills? We have got a couple more here and then I will call on Speaker Marvel to have a few words.

CLERK: Read LB 101 by title for the first time as found on page 118 of the Legislative Journal.

SPEAKER MARVEL: We are ready for LB 92.

CLERK: Mr. President, LB 92 was introduced by Senator George Fenger. (Read.) The bill was first read on January 12 of this year, Mr. President. It was advanced to General File. There are committee amendments pending by the Banking, Commerce and Insurance Committee.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, the Banking Committee has a policy they have developed over the years of assigning particular bills that need reworking to various committee members and then we usually try to let that committee member handle the bill on the floor. In this case this bill needed major reworking. We assigned it to Senator Landis. He got together with various people on both sides of the question and they worked out a solution and I would like to let him present what they have.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, the subcommittee met with a member of Senator Fenger's staff, Rick Biles of the State Board of Public Accountancy, Ron Sedlacek the committee counsel for the Banking Committee and myself to review the provisions of LB 92 and to work out some kind of amenable arrangement, there having been at the hearing a number of questions directed at the introducer and at the representatives of the Board of Accountancy on the provisions of the bill. There are essentially three changes that are found in the committee amendments and you can find them either in your bill book or if this as well does not appear in your bill book, you can find them in the Journal on page 348. First, the committee amendments strike all references to the thousand dollar administrative fine which was originally outlined by the bill and the power to make such a fine given to the Board of Accountancy. We could find no precedence in other public regulatory bodies for this kind of administrative fine. The committee felt, generally speaking that the fine was out of place, that since you have the mechanism of censure and the communication to the public of faulty accounting principles being utilized by individuals in the profession that that was a sufficient sanction to utilize and if not, you had the either suspension or revocation of the CPA certification as other sanctions available. So the thousand dollar fine was taken out. Secondly, we struck existing language. In other words, not new language offered by the bill but language that is now currently in the statutes. Subsection 10 in the list of reasons for which an individual may be sanctioned by the Board of Accountancy states that such sanctions

can occur when there is conduct discreditable to the public accounting profession. The committee felt this language was vague. It gave no genuine notice to a practitioner that, in fact, any serious violation of an ethical or legal standard was contemplated in the other nine subsections and, therefore, subsection 10 was a catchall of such a vague quality that it was really unfair to make practitioners operate under that kind of a standard. Lastly, we added the emergency clause for the specific purpose of allowing the existing or planned annual register to be published under the auspices of this bill and, therefore, to save themselves the inefficient and uneconomical publishing as they currently do in July and moving that to December. If we act quickly then they will be able to do that. They will not be forced into publishing this July that annual register but may wait until December. Those are the committee amendments and I would move their adoption.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 92. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays on adoption of committee amendments, Mr. President.

SPEAKER MARVEL: Okay, the motion now is the advancement of LB 92. Senator Fenger, do you wish to explain the bill?

SENATOR FENGER: Mr. Chairman, members of the body, the purpose of LB 92 is to bring the statutes into conformity with legislation passed in 1979. Last year the Legislature passed a committee bill, LB 280, on a vote of forty-eight to nothing. That bill was vetoed after the session was adjourned. I have been advised that all the objectionable material has been removed and this bill considered today, LB 92, as introduced is a carbon copy without that objectionable material. Now as amended this bill accomplishes three things. It brings the statutes into conformity with that legislation passed in 1979. It does provide for a smoother rotation of membership on the Board of Public Accountancy. Thirdly, it contains a unique feature what I consider a privilege to offer to this body in that it allows for the reduction in the maximum fee chargeable to holders of inactive registrations. The bill contains, as amended, the emergency clause so that there will be time hopefully to print a register in July as prescribed. Mr. Chairman, I move the advancement of LB 92 to # & R.

SPEAKER MARVEL: The motion is the advancement of LB 92 as amended. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 32 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, LB 199.

CLERK: Mr. President, LB 199 was offered by Senator Myron Rumery. (Read.) It was first read on January 15 of this year. It was referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. I do have a committee amendment, Mr. President offered by the Banking Committee.

SPEAKER MARVEL: Senator DeCamp, LB 199, amendments thereto.

SENATOR DeCAMP: Yes, Mr. President, members of the Legislature, all the committee amendment is the emergency clause. It is quite important that we put that on. I can go ahead and explain the bill a little if Senator Rumery wants. Is that okay, Senator Rumery?

SENATOR RUMERY: Fine.

SENATOR DeCAMP: Mr. President, members of the Legislature, of the various bills we have touched on here in the Legislature, this is a small one but it is a pretty important one. It affects every single Nebraskan. It has to do with checks. In 1979 my good friend Senator Hasebroock introduced a bill to phase in a complete change in this state of the way we handle checks. You may remember, in fact, you can still do it now in certain places, with some problems unless we pass this bill. You walked into the country store or the elevator or whatever and you got your load of feed and then you said you got a Neligh check or you got an Elgin check or you got a Brunswick check and the guy opened his box or his drawer and he had maybe thirty, forty, fifty towns, different check books there. We called them counter checks, no name on them, no nothing else, just Brunswick Bank. He threw it to you. You signed it. He was happy. You were happy. The check was paid. Because of the evolution of computers in the banking industry, because of problems of forgery, because of problems of abuse, check writers that used to sweep the country, the banking industry and the business industry, the businessmen decided a change had to be made and they decided they would phase in the change gently and that change was to eliminate counter checks and have magnetically encoded checks and we passed that law in 1979 and it went into effect full force January 1, 1981, and is the law of the land in this state now. So what has that got to do with anything? Well, in 1979 when we passed that bill, whether it is the fault of the bankers or the businessmen or whoever was pushing it, they left one other little provision in there and

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LB 39A, 45, 64, 65, 92, 165,
170, 185, 187, 199, 238, 244.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)....will be given by Dean L. Hubbard who is the President of Union College.

PRAYER: Offered by Dean L. Hubbard, Ph.D., President of Union College, Lincoln, Nebraska.

SPEAKER MARVEL: Roll call. Please record your presence. Have you all recorded your presence?

CLERK: Mr. President, Senators Warner and Carsten would like to be excused all day.

SPEAKER MARVEL: Okay, record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: The Clerk will read in some reports first.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and recommend that same be placed on Select File; LB 185, Select File; LB 187, Select File; LB 238, Select File with amendments; LB 244, Select File; LB 92, Select File with amendments; LB 199, Select File with amendments; LB 170, Select File with amendments. (Signed) Senator Kilgarin, Chairman. (See pages 413 and 414 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 64 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 65, General File with amendments. (Signed) Senator Kremer, Chairman. (See pages 414 through 416 of the Legislative Journal.)

Mr. President, new bill, LB 39A, offered by Senator Kahle. (Read title to LB 39A as found on page 416 of the Legislative Journal.)

Mr. President, Senators Vard Johnson and Chambers would like to print amendments to LB 45 in the Legislative Journal. (See page 417 of the Journal.)

Your committee on Banking, Commerce and Insurance gives notice of public hearing in Room 2230 for Tuesday, March 3. (Signed) Senator DeCamp, Chairman. (See page 417 of the Journal.)

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LB 92, 238, 244

E & R for Engrossment. LB 238.

CLERK: There are E & R amendments, Senator.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 238.

PRESIDENT: The motion is to adopt the E & R amendments to LB 238. Any discussion? All those in favor signify by saying aye. Opposed nay. The E & R amendments on LB 238 are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move LB 238 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 238 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 238 is advanced to E & R for Engrossment. LB 244.

CLERK: There are no E & R amendments, Mr. President.

PRESIDENT: There are no E & R amendments. The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move LB 244 be advanced to E & R for Engrossment.

PRESIDENT: The motion is to advance LB 244 to E & R for Engrossment. Is there any discussion? All those in favor signify saying aye. Opposed nay. LB 244 is advanced to E & R for Engrossment. LB 92.

CLERK: Mr. President, there are E & R amendments to LB 92.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the amendments to LB 92 to be adopted.

PRESIDENT: Motion to adopt the E & R amendments to LB 92. Any discussion? All those in favor signify by saying aye. Opposed nay. The E & R amendments on LB 92 are adopted. Senator Kilgarin.

CLERK: Mr. President, I have an amendment offered to LB 92 by Senator Fenger. It reads as follows: (Read

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LB 92, 199

the Fenger amendment as found on page 455 of the Legislative Journal.)

PRESIDENT: All right, the Chair recognizes Senator Fenger.

SENATOR FENGER: Mr. President and members of the body, this amendment is offered at the request of the State Auditor of Public Accounts office. It merely specifies beyond any doubt as to who appoints the Secretary of the Public Accountancy Board. The language says that the Governor will appoint the 8 members and a Secretary shall be appointed. Inserting the words "by the board" will remove any doubt as to who will, in fact, appoint that Secretary. I would urge the adoption of the amendment.

PRESIDENT: Any discussion on the Fenger amendment to LB 92? If not, all those in favor signify by voting aye, opposed nay. Have you all voted? Record the vote.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Fenger's amendment.

PRESIDENT: The motion carries. The Fenger amendment is adopted. Any further amendments, Mr. Clerk?

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

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 92 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 92 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 92 is advanced to E & R for Engrossment. The next bill, LB 199.

CLERK: There are E & R amendments, Mr. President.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 199 be adopted.

PRESIDENT: Motion to adopt the E & R amendments to LB 199. Any discussion? All those in favor signify by saying aye. Opposed nay. The E & R amendments on

92 correctly engrossed, 199 correctly engrossed, 170 correctly engrossed, all signed by Senator Kilgarin, Chair.

Mr. President, I have two Attorney General opinions, the first to Senator Wesely regarding rules and one to Senator Chambers regarding LB 206. (See pages 468 and 469 of the Journal.)

Finally, Mr. President, I have a report from the Department of Roads on the Advertising Control Program submitted pursuant to statute. That will be on file in my office.

SPEAKER MARVEL: We go to item #4 on the agenda and the Chair recognizes Senator Warner.

CLERK: Mr. President, Senator Warner's motion is found on page 392 of the Journal.

SENATOR WARNER: Mr. President, members of the Legislature, the motion pending is one which we have adopted the last several years which would hold any bills on Final Reading which carry an appropriation of general fund money for the coming fiscal year or an A bill which would hold up the bill which has an A bill for the coming year and that none of those bills would be considered on Final Reading until the general appropriation bills have been approved by the Legislature. It would permit any bills that deal with deficiency appropriation for the current year to be enacted or considered as they come up and those of course would not be held up. I would move adoption of the motion, Mr. President.

SPEAKER MARVEL: The motion is the adoption of the Warner motion as explained. All those in favor of that motion vote aye, opposed vote no. Okay, record the vote.

CLERK: 35 ayes, 2 nays, Mr. President, on adoption of the motion.

SPEAKER MARVEL: The motion is carried. We now go to Select File. Senator Kilgarin, shall we take up Select File?

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 156.

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

SENATOR KILGARIN: I move LB 156 be advanced to E & R for engrossment.

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LB 15, 16, 92, 170

having been complied with, the question is, shall LB 15 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 536 and 537 of the Legislative Journal.) 44 ayes, 1 nay, 3 excused and not voting and 1 present and not voting, Mr. President.

PRESIDENT: LB 15 passes with the emergency clause attached. The next bill on Final Reading will be LB 16, Mr. Clerk.

CLERK: (Read LB 16 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 16 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 537 and 538 of the Legislative Journal.) 46 ayes, 0 nays, excused and not voting, Mr. President.

PRESIDENT: LB 16 passes. The next bill on Final Reading will be LB 92, Mr. Clerk.

CLERK: (Read LB 92 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 92 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 538 of the Legislative Journal.) 45 ayes, 1 nay, 3 excused and not voting, Mr. President.

PRESIDENT: LB 92 passes with the emergency clause attached. The next bill is LB 170.

CLERK: (Read LB 170 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure...

CLERK: No, I'm not done, I'm waiting for someone.

PRESIDENT: Oh, okay. We do have an awful lot of noise down here. Now it is quiet.

CLERK: (Continued reading LB 170.)

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LR 17, 13
LB 15, 16, 55, 76, 83, 92, 136,
144, 170, 185, 187, 199, 217,
238, 244, 354, 434, 457.

Your Committee on Revenue gives notice of public hearing in Room 1520 for March 9, 16 and 18. (See pages 546 and 547 of the Legislative Journal.)

Mr. President, Senator Maresh would like to have the Business and Labor Committee meet underneath the north balcony upon adjournment.

Mr. President, LB 15, 16, 92, 170, 185, 187, 199, 238 and 244 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 15, LB 16, LB 92, LB 170, LB 185, LB 187, LB 199, LB 238 and LB 244.

CLERK: Mr. President, your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 434 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 144 General File with amendments; 354 General File with amendments. (Signed) Senator Landis. (See pages 546 through 547 of the Legislative Journal.)

Your Committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 55 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 76 General File with amendments; 83 General File with amendments. (Signed) Senator Nichol, Chair. (See pages 548 and 549 of the Legislative Journal.)

Your Committee on Miscellaneous Subjects whose Chairman is Senator Hefner to whom was referred LB 217 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 136 General File with amendments; 457 General File. (Signed) Senator Hefner, Chair.

Mr. President, two new resolutions, LR 17 by Senator Hoagland. (Read LR 17 as found on page 550 of the Legislative Journal.) That will be laid over. Mr. President, LR 18 offered by Senator Wagner and others. (Read LR 18 as found on pages 551 and 552 of the Legislative Journal.) That too, Mr. President, will be laid over.

PRESIDENT: The Chair also has an announcement from Legislative Services Coordinator, Harlan Johnson, who reminds all of you that pictures will be taken of all

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LB 15, 16, 92, 170, 185, 187,
190, 199, 238, 244, 269, 518

addressed to Senator DeCamp regarding LB 190.

Mr. President, Senator DeCamp asks unanimous consent to have his name added to 269 as cointrroducer.

PRESIDENT: Any objections? If none, so ordered.

CLERK: Mr. President, I have notice from Senator Fowler designating LB 404 as priority bill and Senator Richard Peterson designating LB 269 as his priority bill.

Finally, Mr. President, I have...your Enrolling Clerk respectfully reports that she has yesterday at 2:13 p.m. presented to the Governor for his approval the following bills: 15, 16, 92, 170, 185, 187, 199, 238 and 244.

PRESIDENT: Thank you, Mr. Clerk. We would like to take this opportunity to introduce some guests of the Legislature. First, a very special guest of Senator Clark, a good friend of his from Bridgeport, Darrell Scheuler who is seated here under the south balcony. Mr. Scheuler, would you stand up. Welcome to your Legislature. And also under the south balcony we have some guests of Senator Goll, Everett Holstein from Blair, Nebraska, and Elvin Kruse from Bennington. Would they please stand and be recognized? We are ready then for motions, Mr. Clerk. Is Senator DeCamp here?

CLERK: Mr. President, Senator DeCamp moves to withdraw LB 518. The motion was presented yesterday and laid over pursuant to our rules.

PRESIDENT: LB 518. The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, very briefly. 518 was a bill introduced by myself and Senator Howard Peterson and has to do with the Soukup case over in Grand Island. Because we have an alternate procedure that is hopefully going to be more effective, we would rather utilize that other procedure, the claims procedure, than utilize the bill at this time, and we can process that near the end of the session.

PRESIDENT: Any further discussion to Senator DeCamp's motion to withdraw LB 518? If not, that will constitute the opening and closing of Senator DeCamp. All those in favor of the motion to withdraw vote aye, opposed nay. Have you all voted? Record the vote.