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were not included in the supplemental benefit. So in order to include them we are changing, basically striking the word "certificated" which specifically applies to teachers and putting in a word to indicate simply anyone that had credited service in the retirement plan. The second category was a small group who had an option early in their life of going for what is called the reserve teacher plan or not, and we excluded people that had rejected that option even though they may, in fact, have otherwise been eligible. So we have inserted people who did not apply for reserve teacher benefits, brought them under this supplemental benefit plus the noncertificated retirees, and this fund or cost will diminish because these are longterm employees. They are very elderly. Their lifespan probably is not that much longer. This is just a supplement to continue to try and provide a minimum payment for them. As I indicated, it is simply extending a benefit that we provided last year to a couple classes of employees who were missed in oversight. There is enough money in the fund that was appropriated last year to pick up this cost, so it will take no additional money. There was no opposing testimony to the bill, and there were no opposing votes as far as voting it out. It is simply to clean up a bill that we passed last year. I would move for its advancement.

PRESIDENT: Is there any further discussion on LB 141? Hearing none, Senator Fowler, do you have any further close, or is your opening your close?

SENATOR FOWLER: I could repeat it again but that is fine.

PRESIDENT: All right, the question before the House then is the advance of LB 141 to E & R Initial. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The motion carries and LB 141 is advanced to E & R Initial. Since Senator Dworak has not returned yet we will go on to agenda item #5 with resolutions. Senator Wesely, are you ready to handle LR 7? All right, Mr. Clerk, do you want to read LR 7?

CLERK: Yes, sir. Mr. President, LR 7 is found on page 312 of the Journal. It is offered by Senators Wesely, Hoagland and Vard Johnson. (Read LR 7). Mr. President, again that is found on page 312 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you, Mr. President and members of the Legislature. It is a rather lengthy resolution but it is one which I think can easily be explained as attempting to deal with one area of potential overregulation of private industry in the State of Nebraska. We have seen, and if you look at the handout I passed out the last couple of pages will list for you a number of occupational groups in this state that are now licensed. This resolution does not deal with those but it does raise the question of whether we need all the licensure that we have had in different occupational groups in this state for the future as far as new groups coming to us asking for additional licensure. All we are trying to do in this is set a tone and the tone says this if this resolution is passed, that we won't license a new group until we are pretty sure that that group needs to be licensed, that we are sure that licensing is the best interest of the general public, not just in the best interest of the group asking for that licensure. I think it is a reasonable step to take and it is one that has been taken by a number of states across this country. In other states they have adopted laws that have set up a very comprehensive rather cumbersome process whereby they have to go through the state department of health or some other department, have to be screened when they want to be licensed and have to go through a whole bureaucratic red tape mess before they can get to the Legislature. I don't think we need to do something like that to deal with the issue of should we or should we not license different occupational groups. This is a less cumbersome but I think a very effective step to take to try and deal with that issue of just passing the resolution. It sets a tone. It can be used by you individually. It can be used by us as a body, but it is nonbinding; it is just an attempt to try and declare for the general public and the state that we are going to take a careful look at licensure, that we are going to review new licensing requests and that we will be very careful when we do adopt new regulations on different occupational groups. I think it is a tone that we have seen demanded by the general public in the vote this last November, that they don't want to see regulation of groups just for the sake of regulation. They want to see regulation that is necessary and wise and prudent, and I think that this resolution only asks that that be the case when we ever adopt new licensing regulations on any occupational group that is not now licensed. If you look at the handout that I have, the first page will basically reiterate what I

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have just told you that this is an attempt to try and provide you with some assistance when you have a bill before you that requires new licensing. You can use it for a group that comes before you and asks you to introduce a bill to require new licensing for a group. It is a form of assistance to you individually to use as you see fit. The second page deals with what other states have done in terms of professional licensure to try and stem the tide of increasing licensure in those states, which is also the case here in Nebraska. So it identifies for you what other states are doing, and again, other states are taking much more heavy handed approaches and this resolution is a much more reasonable step to take I think at this time for Nebraska. And then finally the last couple of pages go through a number of different occupations now licensed in the State of Nebraska, just for your information so you know where we stand in a general sense in licensure in this state. That, very briefly, is the status of the resolution and I will be glad to answer questions and encourage your support for the resolution.

PRESIDENT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, I have a question of you.

PRESIDENT: Of me?

SENATOR HABERMAN: Yes. What weight or bearing or affect does a resolution like this have upon the Legislature?

PRESIDENT: I don't know that it is important that my view means anything but it is pretty much as Senator Wesely said. It is a statement of setting the tone for what the Legislature believes the people of the State of Nebraska ought to see the sentiment of that Legislature on that day. That is about all it is. It is no, in fact, law or anything like that.

SENATOR HABERMAN: A question of Senator Wesely.

PRESIDENT: Senator Wesely, will you respond to a question?

SENATOR WESELY: Yes.

SENATOR HABERMAN: Are you anticipating by any chance, Senator Wesely, of trying to make this a rule or regulation of the body?

SENATOR WESELY: No, actually not. My anticipation is

if we pass the resolution it will just be something that you can refer to when you have a group come before you. When you have a bill before one of your committees you can use it to ask questions in those committee hearings. You can use it to ask questions of groups that ask you to introduce a bill for them to license their group. It is I guess an aid to the individual members of the body to use as they see fit.

SENATOR HABERMAN: The reason I am bringing this up, Senator Wesely, is that I did some research on this two years ago and unless these questions are presented to the organization that is asking to be licensed a considerable length of time before the public hearing so that they have an opportunity to research it and to answer the questions and to come up with a good explanation, it really isn't quite fair to that organization. So I would like to call to the attention of the body that if you go to...if you adopt this resolution and if you start using it in your committees, be sure and let the organization know ahead of time the questions that you are going to ask them so that they can get the answers, because it is rough to answer all the questions that are asked in this resolution if you are not prepared for them. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. Chairman, I would like to have a little conversation with my seatmate, if he will answer a question. Senator Wesely, I would like to use the bill before our Public Works Committee that would license the well drillers. The well drillers have asked to be...the association of well drillers has asked to be licensed for a number of years. This past year the Natural Resources Commission in response to a request by the Legislature to have a look at some of the policy issues that are before us related to our natural resources submitted a report on water quality. In that report it was at least suggested and inferred to that we do have a problem with water quality because of the improper installation of wells of various types. So we have that report and it is quite detailed. Now would you feel before this committee act on this bill that we should ask other questions or is the evidence submitted by this report would you think would be sufficient to go ahead and move on this bill and process it all the way through?

SENATOR WESELY: I personally would prefer that we have a number of questions here and they probably relate to what is already in the report. It would be an easy thing

to turn over the questions to the group asking to be licensed, and it should not be too difficult for them to answer these questions because they are very simple questions and could be answered rather quickly, and it would be very much a benefit to the committee to see those answers before voting on the issue. But because it is just a resolution, if we didn't want to do that, there wouldn't be any problem. It would be up to the committee and yourself as Chairman of the committee to decide if it is appropriate or not.

SENATOR KREMER: I understand that, but I thought maybe this throws this particular group in a little different light because it is related to the report that came to the Legislature in the response to the request of the Legislature. Maybe that would be sufficient.

SENATOR WESELY: It could be, could be.

SENATOR KREMER: I just wanted to say something.

PRESIDENT: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: Would Senator Wesely yield to a couple of questions? You haven't said yes yet.

SENATOR WESELY: All right.

SENATOR GOODRICH: Senator Wesely, I am only going to ask this question to establishing legislative intent behind the resolution itself. I notice in number 2 of the resolved section it says, consider all elements of competency determination, you are not suggesting, for example, or you are not trying to establish legislative intent or legislative history of any kind to the effect that we are not making sure that health care people are competent before we license them now, are you?

SENATOR WESELY: No, all that...(interruption).

SENATOR GOODRICH: Okay, on number 3, you are saying that these licenses shall be given out only after very close examination and scrutiny. You are not suggesting, for example, that the Legislature or any health care agency or any agency of the Nebraska state government are giving out licenses willy nilly to people who are not competent and without examination and scrutiny now, are you?

SENATOR WESELY: No.

SENATOR GOODRICH: Okay, now three, are you suggesting,

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for example, or do you intend to suggest that this Legislature, for example, is incompetent and needs a printed set of questions in front of each and every one of us before we can pass any legislation on a licensing or regulatory basis now?

SENATOR WESELY: No.

SENATOR GOODRICH: Thank you, then what does the darn thing serve?

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I just had the opportunity to read the resolution for the first time and I wonder if I could ask Senator Donald Wesely a couple of questions.

PRESIDENT: Senator Wesely, will you respond?

SENATOR WESELY: Sure.

SENATOR DeCAMP: Senator Wesely, you are Chairman of a committee in here. Is that correct?

SENATOR WESELY: Yes.

SENATOR DeCAMP: And what committee is that committee?

SENATOR WESELY: The Rules Committee.

SENATOR DeCAMP: The Rules Committee. The Rules Committee does what with respect to directing the Legislature on how to act?

SENATOR WESELY: We adopt rules.

SENATOR DeCAMP: That is right. What is this purporting to do in this resolution?

SENATOR WESELY: Adopt a set of questions that we can use if we see fit.

SENATOR DeCAMP: Isn't it really adopting a rule telling the Legislature before you do anything you will follow this procedure?

SENATOR WESELY: I considered that alternative but I believe this resolution will be sufficient to deal with the question.

SENATOR DeCAMP: The legislative resolution has no binding, legal force or effect. Is that correct?

SENATOR WESELY: Yes.

SENATOR DeCAMP: A rule would have binding effect and have some meaning.

SENATOR WESELY: Right.

SENATOR DeCAMP: Why are we wasting our time on something that has no meaning when there is an option and an alternative which is a rule change should you so desire?

SENATOR WESELY: Well just like in licensing there are a number of alternatives that you can take to this question. I could have introduced a rule change. I could have introduced a bill. Other states have done that. Or I could have introduced a resolution. The resolution is the least cumbersome and the least restrictive of the alternatives and I decided that that may be sufficient. Now if I can't get support to take this small step, then I may come back in with a much more detailed, more strict step to take but I don't think I need that. I think the resolution will suffice to take care of the problem I have seen.

SENATOR DeCAMP: Okay.

PRESIDENT: Senator Wesely, I see no other persons wish to speak, you may close on the resolution.

SENATOR WESELY: Thank you, Mr. President. A number of questions have been asked. They have been fair questions. The resolution approach was taken just because we have seen a number of other states which have adopted a very similar resolution. As a matter of fact, if you look at page 2 of the handout that I have given, it does go into some detail what other states have done in this area, and the resolution step is one which has been adopted in other states, has been effective, has dealt with the problem. It is nonbinding and it isn't an insult to anybody presently working on licensure nor to this body, but instead it is an assistance that can be provided to help us in dealing with licensing questions. It is something that I think we need to do in this Legislature. It will provide for you a set of questions you can be asking yourself when a group comes to you to asked to be licensed, when a bill comes before your committee to establish licensing for a group. It is an aid that I think will be of value to the Legislature, and

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as I said to Senator DeCamp, the alternative of a rule change or a law being passed seems to me to go too far under the circumstances and this resolution should suffice to deal with the problem at hand, and I would encourage your support for the resolution.

PRESIDENT: The matter before the House then is the adoption of LR 7 as found on page 312 of the Journal. All those in favor signify by voting aye, opposed nay. Have you all voted? Senator Wesely, I believe everyone is in here now too. The Exec Board has returned. That is just a matter of information, Senator Wesely. What do you wish to do, Senator Wesely, I am going to....I am going to call for the....

SENATOR WESELY: (Microphone not on)....are absent. Are there....

PRESIDENT: All right, 10 are absent. Makes 39.

SENATOR WESELY: Well, I will ask for a Call of the House I guess. Roll call.

PRESIDENT: All right, we will have...Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed nay. Record the vote.

CLERK: 17 ayes, 1 nay to go under Call, Mr. President.

PRESIDENT: The House is under Call. Let's get everybody here and record your presence. The Sergeant at Arms will clear the aisles. All nonlegislative personnel will be off the floor. The House is under Call. You will hear this a million times between now and adjournment sine die, so you just as well get used to it. And everyone will rush back to his or her respective posts, with all that enthusiasm that I see out there. Senator Burrows, are you here? Senator Haberman, are you here? You are supposed to be at your post which is a lot closer than I can see you. Senator Haberman, that is the advantage of your sitting up so close, I can see when you are here now. I never used to be able to see when you weren't there. Now I can see where you are. That's the advantage of moving closer that the Chair can see you much easier. Would all members please be at your desks so that we can really get a count to see how many are here and to see that everyone is present so that Senator Wesely has an equal opportunity to get his vote taken. Senator Labedz is somewhere in the vicinity. Senator Chambers is here, yes. He is right here now. Senator Labedz. Sergeant at Arms, Senator Labedz is the only one that we are now seeking.

Otherwise, would all members please be at their desks. Senator Wesely, would you want to proceed then?

SENATOR WESELY: Go ahead.

PRESIDENT: For those of you who are returned, we are voting on the advance of LR 7. Here comes Senator Labedz. Now we have 39 members present and accounted for. Has everyone voted now? Senator Wesely, do you want a roll call vote, or do you want to just proceed with the....record the vote?

SENATOR WESELY: Go ahead with the roll call vote.

PRESIDENT: Roll call vote has been requested. We will proceed then, Mr. Clerk, with the roll call vote on the advance of LR 7 found on page 312. Senator Chambers, do you want to push that....thank you.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Will all legislators please return to their seats so we can proceed with the business at hand. Okay, Clerk, call the roll.

CLERK: (Read roll call vote as found on pages 334 and 335 of the Legislative Journal.)

SPEAKER MARVEL: Hold the vote a minute. Will all legislators please return to their seats. Okay, go ahead.

CLERK: (Continued reading roll call vote).

SPEAKER MARVEL: We have not announced the vote yet. Will all legislators please return to their seats. Hold the vote. Okay.

CLERK: 19 ayes, 23 nays, Mr. President, on adoption of the resolution.

SPEAKER MARVEL: The motion lost. You want to raise the Call? Okay. Before we go to the next item of business, most of you already know this but cake is under the jurisdiction of those in Senator Wiitala's office and I am told he is 30 years old today. So let's give him a hand. What is the next item of business? May I have your attention for just a moment before we return to LB 57, General File. The Chairmen who have held hearings and have reports on bills, if you would get these in before noon it would be very helpful to keep the process moving. Before 10:30, okay. The Chairmen who have bills that can