

CLERK: (Read LB 152 by title.) (See page 148 of the Journal.)

SPEAKER MARVEL: Will the Legislature come to order please. The Chair will recognize Senator Kremer for the purposes of making a motion.

SENATOR KREMER: Mr. Chairman, members of the Legislature, I move that a committee of six be appointed to escort the Governor of the State of Nebraska to the Chamber at this time.

SPEAKER MARVEL: You have heard the motion. The six member committee will escort both the Governor and his wife to the Chamber. All those in favor of Senator Kremer's motion say aye, opposed no. The motion is carried. The committee, Senator Kremer, chairman, Senator Carsten, Senator Clark, Senator Warner, Senator Maresh, Senator Marsh. The committee will retire for the purpose of escorting the Governor and his wife to the legislative Chamber, Senator Kremer, chairman, Senator Carsten, Senator Clark, Senator Warner, Senator Maresh and Senator Marsh.

Mr. Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting his excellency, the Governor of the great State of Nebraska and Mrs. Thone.

SPEAKER MARVEL: Will the committee please escort the Governor and Mrs. Thone to the front of the Chamber.

GOVERNOR THONE: State of the State and Budget address. (See pages 148-162 of the Legislative Journal.)

SPEAKER MARVEL: Would the committee please escort the Governor and his wife from the Chamber. The Legislature will come to order. There is some business on the Clerk's desk that we need to listen to before we recess this morning. Okay, Pat.

CLERK: Mr. President, your committee on Banking, Commerce and Insurance gives notice of public hearing in Room 2230 for Monday, January 19. That is signed by Senator DeCamp as chairman.

Mr. President, Senator DeCamp would like to announce that Senator Haberman has been selected as vice chairperson of the Banking, Commerce and Insurance Committee.

Read LB 153-166 by title. (See pages 162-165 of the Legislative Journal.)

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LB 17, 22, 86, 123, 151,
155, 169, 171, 190,
220, 247, 294, 482,
537-540, 175

and February 19.

Your committee on Urban Affairs reports LB 175 (sic. 171) to General File with amendments; LB 220, General File with amendments, (Signed) Senator Landis.

Government Committee reports LB 247 to indefinitely postpone; 29th indefinitely postponed.

Your committee on Miscellaneous Subjects report LB 482 indefinitely postponed.

The Appropriations Committee reports LB 155 advanced to General File with amendments.

Your committee on Revenue whose chairman is Senator Carsten reports LB 17 to General File with amendments; 169 to General File with amendments and LB 86 indefinitely postponed.

The Public Works Committee whose chairman is Senator Kremer reports LB 22 to General File with amendments; 190 to General File with amendments; 123 indefinitely postponed.

Your committee on Revenue reports LB 151 to General File with amendments. (See pages 612-615 of the Journal.)

Mr. President, Senator DeCamp makes a motion to withdraw LB 537, 538, 539 and 540 and cancel the public hearings on those bills. So in order to do that we will need to suspend rules to cancel those hearings which were scheduled for next week and I understand we are going to lay that motion over.

SPEAKER MARVEL: We will lay the motion over until next Monday. Senator DeCamp. Senator Marsh, for what purpose do you arise?

SENATOR MARSH: I have misplaced my black purse briefcase. Thank you.

SPEAKER MARVEL: Senator DeCamp, for what purpose do you arise?

SENATOR DeCAMP: Mr. President, members of the Legislature, you all heard what the motion was. Senator Marvel asked that we take it up next week rather than today and I would agree to that. I would simply point out that a couple of these hearings are set for next week and so I would hope that we could take it up right away Monday morning and at that time detail the future of the Task Force and so on and so forth.

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ASSISTANT CLERK: 35 ayes, 0 nays on the motion to advance, Mr. President.

PRESIDENT: Motion carries. LB 475 is advanced to E & R Initial. We are going to take up LB 155 at this time. It is Senator Marvel's bill, so the Chair will recognize Speaker Marvel.

CLERK: Mr. President, LB 155 was introduced by Senator Marvel at the request of the Governor. (Read title.) The bill was read on January 14, referred to the Appropriations Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Appropriations Committee, Mr. President.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, LB 155 was introduced to only set up a cash fund that presently...for some receipts to the Department of Motor Vehicles which presently go into the General Fund. During the course of the hearing as indicated by the committee report, a representative of the Governor's office came in and offered an amendment dealing with the issuance of license plates themselves. The committee amendment strikes the issuance of...excuse me, strikes the reference to the bill for the purpose originally introduced, that of setting up a separate cash fund. I believe the majority of the committee felt that those funds ought to remain to be deposited to the General Fund and then appropriated from the General Fund for the operation of the Motor Vehicle Department. However, we did adopt an amendment which has some controversy which does not, it could be argued did not have a public hearing as such. What the amendment does and if adopted, that's all the bill will do, it would authorize that an individual could receive the same plate number on their license for their car as they previously had. Those of you who have worked with this issue for some time know that there has been a variety of alternatives suggested for the issuance of license plates, and while this does not address the broad issue of the issuance of license plates, it does put into the statute a procedure that would permit you upon request to have your original number back. If that number was not yet printed, recognizing that at the time this amendment was offered that it may take two years for all plates to be printed, if your number was not printed, you then would receive a sticker for an additional year until the sticker became available. Now the whole issue on license plates is more complicated because of the...in my opinion, at

least, because we went to staggered time for issuing of plates. There was a representative for the County Treasurer at the hearing from Lancaster County. There may have been more but because of time that was the only one as well as the lobbyist for the Association of County Officials expressing some opposition to the amendment partly because they felt they would have to store plates but that is a problem of staggered issuance of plates for a long period of time. There is the problem if you get your same number back and if it is in a county that has four or five places to issue, I suppose there could be some confusion as to which location you would go to to get the number that you wanted, although I would think that could be handled. But what the bill does and all it does is it does spell out a procedure if the plates are printed over a couple of years that you can get your own number back and that you use a sticker until such time as the number that you want specifically is printed. Part of the problem, and I think this is the first time we have issued new license plates since the staggering of issuing plates went into effect, and I think the problems that we are going to have the first year of that will not necessarily be a continuing problem because if you have....if it has developed that your plate comes up in August or September or some other later time, it is only this first year that there is some confusion. So I am in support of the committee amendment. I think it is prudent to allow an individual to get back their own number because a great many people do want to do that, others could care less, but it does set up a procedure for that to happen. This amendment will not address a whole host of other issues that are involved around the issuance of license plates, perhaps that could more appropriately be handled in other bills, but it does address the single issue of being able to get back your own number if you so wish to do so. So I would move adoption of the committee amendments.

PRESIDENT: Before we go to the next speaker, the Chair would like to recognize that over the weekend Tom Vickers, Senator Tom Vickers, had one of those days recognizing another year added to his life. So we say, "Happy Birthday to Tom", and I believe there are going to be some cupcakes distributed, right Tom, in recognition of that additional year. Congratulations. And the Chair would also like to introduce some distinguished guests to our Legislature. I believe they are under the north balcony, ten members of the Parliament of Ghana. They are guests of the Lincoln Mayor's Committee for International Friendship, United States International Communication Agency.

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They are here to study the American system of government. For your information, Ghana has a Unicameral Legislature. They recently changed from the British Parliamentary Executive Branch to an American style independent executive branch and we welcome our friends from Ghana, the members of the Parliament of Ghana. Welcome to the Nebraska Unicameral.....gentlemen, stand, please. The Chair now recognizes Senator Marsh. Do you wish to speak to the amendment?

SENATOR MARSH: Yes, thank you very much, and I also would like to say there also is a woman from Ghana and I would like her presence acknowledged.

PRESIDENT: Very good.

SENATOR MARSH: Thank you. I promised to speak on this issue because it is now the intent of the State of Nebraska employees of the counties to return the numbers whenever possible. Some of the counties have expressed a concern that putting this into state law would, in fact, complicate provisions for them and I said, yes, I would stand and speak to that issue. Thank you very much.

PRESIDENT: The Chair recognizes Senator Beyer.

SENATOR BEYER: Mr. President and members of the Legislature, I rise in opposition to this bill because speaking for Sarpy County it would be a tremendous cost to us in the county to try and stock 90,000 license plates and let the people get their own number back. They would have to have all those plates there because of the staggered system and in order to give them the plates back as they become due. And also in Sarpy County we have a problem in the fact of the mobility of the military. They generally take their plates with when they leave so consequently those numbers would not come up for a time and they would have to stock the other plates until they would be assured that they would not be back to ask for those numbers. Right now they do have the ability that if they can they try to give the people the same numbers and I think it ought to be left at that, not mandated that they get the same numbers. Thank you.

PRESIDENT: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President and members, I wonder if Senator Warner would respond to a question, please. Senator Warner, I certainly understand the issue that

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your committee has attempted to address because I believe it is important to most people that they get their number back, those of us that are reaching the age where we can't remember numbers too well especially, I guess. But I have been contacted by several of the county treasurers of the district that I represent and they have indicated that there would be an administrative problem. Could you explain to me why it is that the plates could not be manufactured so that all the numbers were available before we started distributing these plates? Is there a problem as far as time is concerned? Is that the problem?

SENATOR WARNER: The only issue involved that I am aware of as to whether all the plates could be issued to be available in one year would be a cost factor. It's going to...and whatever method, and there is other legislation dealing with that issue, but whatever method you use the cost for issuing the plates, the rule of thumb cost has been around \$2 million for reissue of plates. Now, normally we appropriate in the vicinity of 5 to 6 hundred thousand a year for the making of plates even when they are not being issued but for new plates, people who want a new different plate, whatever. There is \$270 thousand as I recall in the deficiency bill to get under way this time the original proposal and the Governor's budget would spread the balance of the cost over a two year period for issuing of the plates. Now even though we did do them all in one year that is not going to totally avoid the problem that some of the county officials are raising because there could be, number one, might well be under a staggered system not come up until December. So they are going to have to store that if you have the possibility of getting the same number back for twelve months anyway. So that is why I think the issue all by itself whether or not we are going to provide for the opportunity for someone to have...to guarantee the opportunity for someone to get their plate number back ought to be or can be handled by itself. If we disregard that possibility then it is true that you just do it numerically whatever number you happen to get when you come in unless it's available avoids a lot of these problems. All of us well know that if my neighbor comes in to get his plate and he cannot get the plate that he has had for forty years and he is going to say, why not, and you know we all know the answer will be, well, the Legislature passed the law so you can't get your same number back and that is the only issue here, you know, whether we want to take the credit or the blame for making it impossible for somebody to get their same number back

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and there is no other issue as far as I am concerned. It would be cheaper if they could not. There is no question about that because there will be....

SENATOR VICKERS: Okay, Senator....

SENATOR WARNER:storage and there will be a difference in the number of plates.

SENATOR VICKERS: Thank you, Senator Warner, I appreciate the answer, and I guess I will have to support the committee amendments because I think it is important that we do indicate to the people that they can get their own number back because, as I indicated, I believe that is important to a lot of people. But it does seem to me that it would not be an impossibility to have these plates printed so that at least it wouldn't be a two year period. I can certainly understand the point that Senator Warner points out that some of the county treasurers would have to have them on hand for a twelve month period because of our staggered method of distributing the plates. But for a two year period, I am a little... I question that as to the advisability of taking two years to get these plates printed and available to the county treasurers. If we could do it in one year, then it seems to me that we could satisfy the concerns of the individuals wanting their own plates back, yet on the other hand somehow alleviate part of the problems that the county treasurers are mentioning to us.

PRESIDENT: The Chair recognizes Senator Newell. Senator Newell.

SENATOR NEWELL: Mr. Chairman and members of the body, I rise to oppose the amendment to 155 per instructions from my county treasurer who says the cost will be approximately \$100 thousand to administer this program, this mandatory program. Now Douglas County has a number of problems that maybe other counties do not have, although as I understand it there are a lot of smaller county officials...or smaller counties that the treasurer's office is going to have difficulty administering this program. But Douglas County has even more problems in terms of administering this program because basically what we have done is that we have allowed for five offices. We have the downtown office, the treasurer's office. We have the South Omaha office, the North Omaha office, Crossroads and the Westroads. Now those five offices basically issue plates now, but the difficulty is going to be simply this, is that when you have this

requirement, people are not required to go to one specific office and we are not...we don't say, we don't take your application unless you live in this geographical area. Somebody from South Omaha can go to North Omaha or downtown, or Westroads, Crossroads, anywhere they want to go to get these license plates. Now the situation is that they have got to when they come in and they apply for their old license back, they have got to take and pull that license and put that on special order. Now, if that person comes back to that office they may, in fact, be able to get those plates. They are going to have to have a big filing system. They are going to have to hold it for a long time and it's going to create all kinds of problems in terms of that...of those plates. Now, frankly, we have a situation here where we are trying to provide a convenience. Basically, we are giving prestige plates...prestige plates to every person who would desire them and want them at a cost to the taxpayers of approximately in Douglas County alone of \$100 thousand. You would have to add quite a number of new employees. You would have to have filing arrangements, etcetera, etcetera, and, frankly, people are going to use their old license plates for one more year while you are waiting for the special order of the new license plates. I think we can deal with prestige license plates as we have in the past. You have to pay an extra fee and you get prestige license plates. If you want a number...a specific number and so forth, you have to apply and you have to pay a fee for that. But to provide these prestige license plates to everyone is a cost that I don't think the taxpayers of Douglas County or the taxpayers of most counties in this state are willing to pay. It is a little inconvenience to remember a new number, but it is a preferable inconvenience than paying the additional cost. So with that in mind I stand per instructions from my county treasurer to oppose LB 155....the amendment to 155.

PRESIDENT: The Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I oppose this specific amendment. There are ways that actually we could change our total system of license plates that would be economical, but we have resisted those to hold onto the county identification and, frankly, without this amendment probably the great majority of people in the State of Nebraska can get the same number they have had if that's...and it is an important thing to a lot of people, so I don't think we can minimize that. It is going to create a lot of additional expense

to the counties, number one. Number two, it seems to me that we sort of solved this problem when we initiated the prestige plate concept. Rather than put the burden of expense on the taxpayers so that somebody gets the markings they want on their license plate, rather than put that expense on the taxpayers for a hundred bucks or whatever it is, they can have a prestige plate with whatever they want on it. Now, that makes a lot of sense to me. If a certain character is that important to somebody, well, so be it, let them pay for it, and that's fine, and it may be well worth it to them to pay for it. But to put the pride of a certain type of character on the taxpayer generally just doesn't make good economic sense to me and it isn't even good philosophy. So I think that this amendment that would create cost for the benefit of a very few and that benefit is a little bit of ego enhancement, that isn't enough justification or rationale to put additional cost on taxpayers.

PRESIDENT: The Chair would like to take this opportunity to introduce some guests of Senator Marsh, some fifty students from May Morley School. They are up here in the north balcony with their teachers, Miss Tuning and Turner. Would they kind of wave down here to the Legislature, and welcome to your Legislature, May Morley. The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I don't know whether I am for or against the amendment because I haven't had a chance to find out. My only purpose in rising is that I think this should have a hearing so that those of us who are a little ways away from our treasurer and assessor and county commissioners would have a chance to at least visit with them or make a phone call to them to see if it creates a problem. I don't think it is a problem with most of the counties in the state because of the small volume of license plates handled and ordinarily the treasurer and assessor handle it so that you can have your license plate renewed with the same number as you had the previous year. But if it should cause a great problem in larger counties, I wouldn't want to be a part of it to create a problem if it is a problem. So I think we should probably have a hearing on this rather than just going ahead without a hearing.

PRESIDENT: The Chair recognizes Senator DeCamp. The question has been called for. Do I see five hands? I do. The question then is, shall debate cease on the

committee amendment? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 8 ayes, 13 nays to cease debate, Mr. President.

PRESIDENT: Motion fails. We shall continue to debate. The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Unicameral, I rise to support Senator Beyers as it does cause a tremendous problem in his district and I feel that we should support him and Sarpy County. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President and members, I have been working on license plates for about a year and a half, not on this one particular issue but on another part of it. But I think what you have to realize when we went from the first two months that we had the issue of license plates, all the county treasurers had to store those in there and they were really crowded up at that time. What you are going to do now in Lancaster and Sarpy County, Douglas County, they are going to have to store those plates all year. They all have to be made at the same time. How do you know when a plate is due in November that it is not due in January? They have no way of knowing that, and so they have to have the plate on hand. I think it creates havoc to do that, and I don't care how you do it, but I know it creates havoc to do it. Unless you have all the license plates printed and ready to go on the 1st of January, I don't see how you are going to do it otherwise. It is going to create a real problem in Lancaster, Douglas and Sarpy Counties, maybe Hall County, I don't know. Thank you.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, I realize the problem that we have in implementing this amendment if it is adopted and so I have a motion pending on the desk. If the amendment is adopted, I would ask that the bill be referred to Public Works Committee for a hearing. Quite frankly, I think there are serious problems and serious enough that perhaps we don't need to pursue it very far this idea of allowing people to claim their own number on the license plates, but at the same time perhaps we ought to have

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a public hearing on the idea which there wasn't the case in the original amendment as proposed on this bill. So I think perhaps if you adopt the amendment and it is referred to a hearing, we will get a chance for the public to comment on it and then we can decide further what to do with the bill. So I would support the amendment at this point just to open it up for discussion and then send it back to committee and hear what the people have to say about it.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members, I find it rather disheartening to think that I am going to lose the number that I have had for the last 42 years, and I think I have built a reputation around that number because it has been on the wanted list very often. I do see that there is a problem perhaps in the larger counties, but again Nebraska is a big state and we have a lot of different kind of problems. I think that we shouldn't all be put under the same penalty, if you want to call it that, because of population, and perhaps there should be an amendment to exempt the three large counties that have been mentioned. But I would hate to see...I know my neighbors, I know the people in my county even when they trade cars buy their number and I certainly feel that we would lose a great deal in our rural areas if we do not get our number back or that it is completely changed because you are going to have some more problems. Those people that have their numbers due in January are going to get the low numbers and those in December are going to get the high numbers. So we do have a problem and I don't know how to solve it exactly like Senator Clark has said, but I don't think we ought to penalize the other 90 counties because of three. Thank you.

PRESIDENT: The Chair recognizes Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, I would just say this that I have heard from our County Treasurer and he likewise is opposed to this amendment and I would want to be sure that Hall County is included if we were going to eliminate some counties.

PRESIDENT: The Chair recognizes Senator Dworak. Okay, the Chair recognizes Senator Newell. Okay, you were the last speaker, so Senator Warner, you may close on the committee amendment.

SENATOR WARNER: Mr. President and members of the

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Legislature, I would have no objection if the amendment is adopted that we refer it to a committee for a hearing. I think it ought to be adopted so that it is in the Journal and there is some vehicle for notice that those who would want to know the content, because if we just return it as is the wording of the amendment would not be as widely distributed but again as I indicated there is only one issue here essentially whether or not you want to provide other than a prestige route for a person to have the same number back. It is contemplated under this that all plates would not be made the same year and for those whose plates became due but was not numbered, the number was not made... manufactured, that they would get a sticker for one additional year. It is true that there will be some additional expense to the state because there will be some numbers made that perhaps won't be used at all. It is true that there is probably some additional expense to the county particularly those that have more than one outlet. I would suppose you could support exceptions for three counties by proper classification of size. That might eliminate that problem. But I am going to support it because I know there are a great many people who want their same number back and it is that simple.

PRESIDENT: The question then is the adoption of the committee amendment to LB 155. All those in favor vote aye, opposed nay. Senator Warner, nine are excused. Record the vote.

CLERK: 10 ayes, 23 nays, Mr. President, on adoption of the committee amendments.

PRESIDENT: All right, the motion fails. Senator Warner.

SENATOR WARNER: I should get...introduce the opportunity to explain the bill and then I would like to put a motion to indefinitely postpone because I am opposed to it the way it is originally introduced.

PRESIDENT: Okay. All right, the Chair will then recognize Speaker Marvel to explain the bill as is.

SPEAKER MARVEL: Mr. President and members of the Legislature, the following is the reasons for the bill, or the original bill and the purposes to be accomplished. Let me read this. This will take just a moment. The purpose of LB 155 is to provide for the establishment of a cash fund and to allow that portion of the state's

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share of fees collected for replacement of certificate of title or notation of lien, or certificate of title to be deposited to the Motor Vehicle Cash Fund instead of the State General Fund. This cash fund would then be used to finance the operation of the Titles Division within the Department of Motor Vehicles and make the division self-supporting rather than dependent upon state General Fund revenues. This statement was written by staff members of the Governor's office as per my request and that is the sum and substance of the introducer's statement of purpose.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Haberman. Senator Warner.

SENATOR WARNER: Mr. President, I would move to indefinitely postpone the bill. The only issue here, and it is no big item I guess, but the bill as originally introduced as Senator Marvel explained set up a separate cash fund for the deposit of certain receipts that...or fees that come to the Department of Motor Vehicles. Currently those receipts are deposited to the General Fund and subsequently appropriated back to the operation of the Department or amount comparable to that is appropriated back to the Department, and generally my personal position is one of not liking...I do not like to see additional cash funds created when it ought to be run through the General Fund. There are times that it is appropriate to do so. Personal opinion, I don't see any particular advantage here where you reduce the General Fund receipts by a like amount that you increase the Cash Fund receipts to the agency, and in either event they have to be appropriated. In either event the Legislature reviews the expenditure and authorizes them so it doesn't change anything other than if you have a broad philosophy that most funds ought to be put in the General Fund to provide greater flexibility to the Legislature to utilizing those fees, then the bill should be killed. If you want to reduce the flexibility of the Legislature as a broad principle, then you would vote to adopt the...advance the bill.

SENATOR CLARK: Senator Marvel, do you want to talk on the kill motion? To indefinitely postpone LB 155.

SPEAKER MARVEL: I have no close, Mr. Chairman. I introduced the bill on behalf of the Governor when the bills came in along with the budget bills, and so this is one of those bills. There is another bill in this

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section that we are dealing with now that also covers the same section. So this is an executive bill and if there is no support for it then it ought to be killed.

SENATOR CLARK: All those in favor of indefinitely postponing LB 155 vote aye, opposed no. Record the vote.

CLERK: 24 ayes, 1 nay to indefinitely postpone LB 155, Mr. President.

SENATOR CLARK: LB 155 is indefinitely postponed. We will now take up LB 22. Senator Johnson, are you ready to take up 171? All right, we will take up 171 now.

CLERK: Mr. President, LB 171 was introduced by Senator Lowell Johnson. (Read title.) The bill was read on January 14. It was referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by Senator Landis' Urban Affairs Committee.

SENATOR CLARK: Senator Landis, the committee amendments.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, Senator Johnson's bill authorizes the use of facsimile signatures in the limited case of cities of the first class on their public works board. He also brought to us the information that county hospital boards were also without legal authority to use facsimile signatures. Since most county boards have been, in fact, using facsimile signatures, Senator Johnson thought it wise and the committee agreed with him that we give them the legislative authority to do that. The amendment simply expands the authorization for facsimile signatures from not only the original intent of the bill of public works committees in first class cities to county health boards as well. I understand that in the language that the committee adopted we left out "superintendents" of county hospitals and that Senator Johnson will offer an amendment to expand yet further that authorization for facsimile signatures. The committee moves the adoption of the committee amendments and I personally will also support the amendment that Senator Johnson will offer with respect to superintendents of county hospitals.

SENATOR CLARK: Senator Johnson, do you want to talk on the committee amendments?

SENATOR L. JOHNSON: Right.