

PRESIDENT: The Call is raised.

CLERK: 23 ayes, 15 nays, 11 not voting on the original motion.

PRESIDENT: Motion to reconsider the action on 235 and 235A is lost.

CLERK: Mr. President, since Legislative Resolution No. 6-- read. Signed, Senator Carpenter.

PRESIDENT: So ordered.

CLERK: Mr. President, I move to pass LB 236 notwithstanding the objection of the Governor. Signed, Senator Goodrich.

PRESIDENT: The chair recognizes Senator Goodrich.

SENATOR GOODRICH: Mr. President and members of the body, LB 236, as you probably will recall, is the bill that exempts the constitutional based agencies from the classification.. state classification in pay plan and it involves no money, whatsoever. There is a serious question as to the constitutionality of not only the classification of pay plan itself, but also the personnel act which we are operating under right and I am not attempting to change in any way shape or form, the personnel act. All we are trying to do is pass this particular bill which would exempt the constitutional agencies from the classification in pay plan. Now the reason for that is that there is a way, for example, that a bill can be drafted to adopt a classification of pay plan which would be constitutional. However, this one was not and this particular bill would exempt the constitutional agencies from that plan and they in turn in the testimony in front of the Const..Retirement Committee have said that they would voluntarily do it anyhow and what we are trying to do is to eliminate some of the constitutional question of the pay plan because you cannot jeopardize the control of a constitutional based agency by letting a separate agency reach into that agency and try to control that agency and that is what, in essence, the pay plan does. It lets the Personnel Department reach into the constitutional agencies and tell them what to do and consequently in order for the pay plan to survive, in my book, they..this bill must be adopted and passed over the veto regardless...because of the fact that they..the constitutional agencies can then, at least, voluntarily do it and you are not jeopardizing the pay plan itself. I move the adoption of the amendment.

PRESIDENT: Any further discussion of the motion? Senator Barnett.

SENATOR BARNETT: Mr. President, members of the Legislature, I've just got one comment. Very short. I started receiving calls on this last night from personnel, from people that are associated and work for the University of Nebraska and they say that the Governor was right in vetoing it. It is their first chance in having an opportunity to have a grade pay plan and they would hope that we could find a way to support the Governor's veto on this plan, and this is quite a change for me as you might admit.

PRESIDENT: The chair would next recognize Senator Simpson.

SENATOR SIMPSON: Mr. President and members of the Legislature, I oppose the motion of the override. I've read in the last couple of days several communications from the Governor supporting his vetoes and as far as I am concerned, the only one he made sense in was this one. I did not support the bill on Final Reading and I would not support it again today.