

February 11, 1980

LB 615

employees, which would be you and me.

SENATOR DeCAMP: Yes, sir.

SENATOR KREMER: Senator DeCamp, in your opinion, would this make the bill unconstitutional in that our limit is \$400 a month?

SENATOR DeCAMP: No, no, it definitely would not. We are reimbursing assuming...we are reimbursing state employees who are authorized to utilize this at the rate of twenty-one cents. Now in our particular case, you and me, Senator....

SENATOR KREMER: That is what I am getting at.

SENATOR DeCAMP: Okay, in our particular case at the present time we get our one trip and then we get whatever other things for actual expenses. This just sets a rate, absolutely would not have anything to do with constitutional problems whatsoever. That is a separate issue as to whether we are entitled to any reimbursement, but if we are, this is the rate. Do you follow? Two separate questions.

SENATOR KREMER: But for this one trip, the difference between eighteen and a half cents and twenty-one cents would be income, right?

SENATOR DeCAMP: No, why would it be income? It is reimbursement.

SENATOR KREMER: Because IRS says that this is what we are limited to, to eighteen and a half cents.

SENATOR DeCAMP: No, IRS says for IRS purposes, for IRS purposes, you may calculate eighteen and a half cents. There is nothing statutorily or constitutional or anything else that says for our calculations of our trip or whatever we have to use IRS. There is nothing whatsoever says that.

SENATOR KREMER: Okay, I hope you are right. I will support you.

SENATOR DeCAMP: I will tell you what, I will go so far as to say this. If there was even a question of unconstitutionality on it, I'd sit here and apologize. I will even check it out to make sure but I am quite positive on this one.

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