

January 6, 1982

title). LB 585 offered by Senator Warner. (Read title). LB 586 offered by Senator Wagner. (Read title). LB 587 offered by Senators Kremer, DeCamp, Wagner, Cope and Lamb. (Read title). LB 588 offered by Senator Wagner. (Read title). LB 589 offered by the Banking Committee and signed by its members. (Read title). LB 590 offered by Senators Kilgarin and Beutler. (Read title). LB 591 offered by Senator Landis. (Read title). LB 592 offered by Senator Lamb. (Read title). LB 593 offered by Senators Remmers and Richard Peterson. (Read title). LB 594 offered by Senator Landis. (Read title). LB 595 offered by Senator Fowler. (Read title). LB 596 offered by Senator Nichol. (Read title). LB 597 offered by Senator Nichol. (Read title). LB 598 offered by Senator Nichol. (Read title). LB 599 by Senator Nichol. (Read title). LB 600 by Senator Nichol. (Read title). LB 601 offered by Senator Nichol. (Read title). LB 602 offered by Senator Cullan. (Read title). LB 603 by Senator Cullan. (Read title). LB 604 offered by Senators Cope, Rumery and Fowler. (Read title). LB 605 offered by Senator Koch. (Read title). LB 606 offered by Senator Kremer. (Read title). LB 607 offered by Senator Howard Peterson. (Read title). LB 608 offered by Senator Howard Peterson. (Read title). LB 609 by Senator Marsh. (Read title). LB 610 introduced by Senator Howard Peterson and Senator Heffner. (Read title). LB 611 offered by Senator Kahle. (Read title). LB 612 offered by Senator Pirsch. (Read title). LB 613 offered by Senator Pirsch. (Read title). LB 614 offered by Senator Fowler. (Read title). LB 615 offered by Senator Burrows. (Read title). LB 616 offered by Senator Fenger. (Read title). LB 617 offered by Senator Stoney. (Read title). (See pages 77-88 of the Journal).

Mr. President, I have two new A bills, LB 404A offered by Senator Fowler. (Read title). And LB 604A offered by Senators Cope, Rumery and Fowler. (Read title). (See page 88 of the Journal).

Mr. President, I have a series of items to read into the record. Senator Koch would like to be excused January 7 and 8.

Mr. President, Senator Fowler would like to print amendments to....I am sorry, Senator Pirsch would like to print amendments to LB 465. (See pages 89 through 91 of the Legislative Journal). Senator Fowler to print amendments to LB 458. (See pages 91 through 93 of the Journal). Senator Rumery would like to print amendments to LB 287. (See pages 93 through 94 of the Journal). Senator Newell would like to print amendments to LB 131. (See page 95 of the Journal).

SPEAKER MARVEL: Senator Barrett, do you wish to close?

SENATOR BARRETT: I'm not sure, Mr. Speaker.

SPEAKER MARVEL: I've had the same feeling at times.

SENATOR BARRETT: My intent was not to stir up the natives. Thank you, Senator Johnson, for those kind remarks with reference to piling on. I think I'm entitled to fifteen yards, correct? I made no secret about this, ladies and gentlemen, not at all. It is straight out, very straight forward. Pull transportation costs from the general budget, levy a special tax. It is exempt from the 7% Budget Limitation Act of 1979. The bill is a loophole. There is no question about it. It is dictated by the severe limitations which have been placed on school districts in your legislative districts and in mine. It is virtually impossible for some of these districts to continue operating under the current levels with the current programs without some assistance. Transportation costs, transportation needs are competing for these educational dollars and as far as I am concerned there is a difference between transportation and education. An exemption, an exception, if some of you prefer, a subsidy. Call it by any name you want. If you have a philosophical problem with it, sobeit. I repeat, I move that LB 498 be moved to E & R initial. Thank you.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no, the advancement of the bill. Have you all voted? Have you all voted? Senator Barrett. Do you want to record the vote? Okay, record the vote.

CLERK: 12 ayes, 28 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion lost. The Clerk has a couple of items on his desk before we go to the next bill.

CLERK: Mr. President, there will be a meeting of the Reference Committee underneath the North balcony at three-thirty.

Mr. President, Senator Fowler would like to print amendments to LB 404A in the Legislative Journal. (See pages 223-224 of the Legislative Journal.)

Mr. President, a new bill, LB 767 offered by Senator Schmit. (Read by title for the first time LB 767. See page 224 of the Legislative Journal.)

Mr. President, Senator DeCamp would like to have a meeting of the Banking, Insurance and Commerce tomorrow morn-

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LB 36A, 404A

PRESIDENT: Anybody want to discuss....Senator Haberman, you don't want to discuss this, do you? Your light is on, so....all right, so I guess there is no further...that is your opening and closing on the motion to indefinitely postpone. Motion then is to indefinitely postpone LB 36A. All those in favor vote aye, opposed nay. Have you all voted? The question is to indefinitely postpone LB 36A at the request of Senator Schmit who makes the motion to kill his own bill. Record the vote.

CLERK: 25 ayes, 1 nay to indefinitely postpone the bill, Mr. President.

PRESIDENT: Motion carries and LB 36A is indefinitely postponed, Senator Schmit. The next bill is LB 404A.

CLERK: Mr. President, LB 404A offered by Senator Fowler. (Read title.) I do have an amendment from Senator Fowler, Mr. President, and that is on page 223 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, this amendment was provided by the fiscal office because of the adoption of Rule 8 that says that an A bill must contain two years of appropriations. So I would move first for adoption of that amendment.

PRESIDENT: All right, any discussion on the Fowler amendment to LB 404A? Hearing none, Senator Fowler, I guess we will just go to the....all those in favor of your amendment, the Fowler amendment, vote aye, opposed nay. Have you all voted? We are voting on the Fowler amendment to LB 404A. Senator Fowler, I think everybody has taken leave of the Chamber for some reason or another. I can't get anybody to vote and if we don't get somebody to vote pretty soon, I am going to call on....record the vote.

CLERK: 26 ayes, 0 nays on adoption of Senator Fowler's amendment.

PRESIDENT: The motion carries, the Fowler amendment is adopted. Anything further on the bill?

CLERK: Nothin~ further, Mr. President.

PRESIDENT: Senator Fowler, do you wish to speak to the bill?

SENATOR FOWLER: Yes, the bill, 404, was carried over from last year, rests on Final Reading. It is impossible to read

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LB 404A

the bill on Final Reading until the A bill catches up with it. I would expect that when the A bill does get to Final Reading that there will be amendments offered to conform with whatever changes there are in the original bill. So right now we just need to move the bill over to Final Reading so that we can take up the issue there. I would move for it to be advanced as amended.

PRESIDENT: Any....Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, a question of Senator Fowler, please.

PRESIDENT: Senator Fowler, would you respond?

SENATOR FOWLER: Sure.

SENATOR HABERMAN: Senator Fowler, what you indicated, if I heard you correctly that the A bill here for \$2,552,000 will be changed?

SENATOR FOWLER: It would....given the fiscal situation, I would certainly expect that that A bill would be changed substantially.

SENATOR HABERMAN: Down.

SENATOR FOWLER: I think that is the only direction A bills are going, yes, down.

SENATOR HABERMAN: The reason I bring this up is I have a letter from a man on the State Aging Board on the Commission and also from my district and he says that at their Senior Citizens Center they can't support 404A in its present form. So as long as you are saying it will be down, then we have to have an A bill. That is what you are saying, correct?

SENATOR FOWLER: As 404 is currently drafted and as it rests on Final Reading, there needs to be an A bill and so for the issue to be taken up we need the A bill to be over on Final Reading.

SENATOR HABERMAN: Thank you, Senator Fowler.

PRESIDENT: Any further discussion on the advance of LB 404A? Senator Fowler, do you have any closing? Motion then is the advance of LB 404A to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to advance the bill.

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LB 404A, 488A

PRESIDENT: Motion carries and LB 404A is advanced to E & R Initial. The next bill, 488A.

CLERK: Mr. President, LB 488A is a bill introduced by Senator Goodrich. I have a motion from Senator Goodrich to indefinitely postpone the bill, Mr. President.

PRESIDENT: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: Mr. President and members of the body, this is the....488 is the constitutional officers' pay bill and the A bill, for example, would appropriate \$33,880 for this particular current coming year. After a conference with the constitutional officers group, we have decided we don't really need the bill, so I made the motion to indefinitely postpone it so it wouldn't have to lay over. I would ask you to indefinitely postpone the bill.

PRESIDENT: The Chair recognizes Senator Kahle and then Senator Warner.

SENATOR KAHLE: Mr. President and members, perhaps a question of Senator Goodrich.

PRESIDENT: Senator Goodrich, would you respond?

SENATOR GOODRICH: Yes.

SENATOR KAHLE: What is your intention then when it comes to the Final Reading of 488 on Final Reading?

SENATOR GOODRICH: Have it read and let this body make this decision. If the bill passes, the various agencies, for example, and....it's assuming that the bill stays in its present form, each of the agencies would have to absorb about \$5000 or less for the last half of this year, if the bill passes in its present form. And they say they can do that. I would suggest that that is the way we could do it.

SENATOR KAHLE: What you are saying then is that 488, if it does pass on Final Reading would still require the salary increase. Is this correct?

SENATOR GOODRICH: After all the constitutional officers take their office assuming they are all reelected, after the elections in other words and the reinstalling them in their offices, the bill would then be implemented because it cannot be implemented until such time as there is an election in each one of the offices and consequently it won't take effect until January of '83, and for the balance of that

March 23, 1982

LB 404A, 488A, 609A, 714A,
LB 522A, 755, 756, 933, 942

SENATOR LAMB: The motion is to have a Call of the House. Those in support vote aye, those opposed vote no. Record.

CLERK: 17 ayes, 0 nays, to go under Call, Mr. President.

SENATOR LAMB: The House is under Call. All unauthorized personnel please leave the floor. All senators will be in their seats. Please record your presence. Call in votes will be accepted.

CLERK: Senator Fowler voting yes. Senator Vickers voting yes.

SENATOR LAMB: Senator Wiitala, Senator Koch, Senator DeCamp, Senator Schmit, Senator Labedz, Senator Wagner, please record your presence.

CLERK: Senator Labedz voting yes.

SENATOR LAMB: We're looking for Senator Chambers, Senator DeCamp and Senator Koch.

CLERK: Senator Fenger voting no.

SENATOR LAMB: Senator Johnson, we are missing only three people. Are you ready for the roll call?

SENATOR V. JOHNSON: Roll call then, yes, please.

SENATOR LAMB: Will you please call the roll, Mr. Clerk?

CLERK: (Read roll call vote as found on pages 1376-1377 of the Legislative Journal.) 27 ayes, 17 nays, Mr. President, on the motion to advance the bill.

SENATOR LAMB: The bill is advanced. LB 942, Mr. Clerk.

CLERK: Mr. President, if I may right before that, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 404A and recommend that same be placed on Select File with E & R amendments; 488A, 714A, 609A, 755, 756 and 933 with E & R amendments attached. (See pages 1377-1378 of the Legislative Journal.)

Mr. President, LB 942 was last considered by the Legislature yesterday. (Read title.) The bill was first read on January 19. It was referred to the Budget Committee for a hearing. The bill was advanced to General File with committee amendments attached, Mr. President. Yesterday the Legislature adopted portions of the committee amendments. I believe

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LB 378A, 404A

that are talked about under LB 378 and combined they are even more expensive than what is being proposed now by Senator Warner and I. We don't attempt to pick up that total cost. We are just saying that you have a fiscal note. It shows a fiscal impact. Let's have an A bill that covers that fiscal impact. I would ask your support for the amendment.

SENATOR LAMB: The motion is the Wesely-Warner amendment. Those in support vote yes, those opposed no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? A record vote has been requested. Record.

CLERK: (Read record vote.) 12 ayes, 22 nays, Mr. President.

SENATOR LAMB: The motion fails.

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

SENATOR LAMB: The motion is to advance LB 378A. Those in support signify by saying aye. A machine vote has been requested. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Record.

CLERK: 26 ayes, 9 nays, Mr. President, on the motion to advance the bill.

SENATOR LAMB: The next bill is LB 404A.

CLERK: Mr. President, I have E & R amendments to LB 404A.

SENATOR LAMB: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 404. (sic.)

SENATOR LAMB: Those in support of the E & R amendments say aye, those opposed no. The E & R amendments are adopted. Senator Kilgarin, to advance the bill.

SENATOR KILGARIN: I move we advance LB 404A.

SENATOR LAMB: Those in support of advancing the bill say aye, those opposed no. The bill is advanced. LB 488A.

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LR 318-324
LB 933, 378A, 404A, 693, 966

SENATOR KOCH: It doesn't have a date in it.

SENATOR DeCAMP: The last one that passes is the one you believe takes priority?

SENATOR KOCH: We are passing this one and in case we get the money we are going to put it out this way to the schools.

SENATOR DeCAMP: Well, I won't pursue it further.

PRESIDENT: Senator Carsten, did you have a....?

SENATOR CARSTEN: If I may, Mr. President, to answer Senator DeCamp's question, there is no date on distribution of school aid money in it. That is in the school aid statute.

PRESIDENT: Okay, the motion then is to advance LB 933 to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. LB 933 is advanced to E & R for Engrossment. Now for the next Koch amendment...or return, excuse me. Yes, the Clerk has some matters to read in at this time.

CLERK: Mr. President, very quickly, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 378A and find the same correctly engrossed; 404A correctly engrossed; 693 correctly engrossed, and 966 all correctly engrossed.

Mr. President, a reminder that today is the last day for submission of interim study resolutions. I have a series of interim study resolutions. LR 318 offered by I believe it is the Banking Committee, Mr. President. It calls for a study of the national inflation and high cost of money and how it has affected the state's financial markets. LR 319 offered by the Banking Committee. It calls for study of economic policy decisions made to state and federal levels of government and whether those are inadequate or misdirected and need revision. LR 320 by the Banking, Commerce and Insurance calls for a study of the state's insurance investment code. LR 321 by Senator Haberman calls for a study of the feasibility of establishing a separate Repeat Offender's Court. 322 by Senator Haberman calls for a study of the possibility of allowing the Governor or the appropriate state agency director to declare an emergency and allow higher load limits for trucks. 323 by Senator Haberman. 323 calls for a study on how nursing homes are owned by corporations. 324 calls for a study of the feasibility of requiring criminal

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LB 404, 404A

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: The bill is returned. Now on the amendment, Senator Warner.

SENATOR WARNER: Mr. President, I move that the amendment be adopted and again, this is not a...it is strictly a technical amendment that technically transfers the equipment and other things associated with the office as it now exists. It is necessary if the bill is going to pass.

SENATOR CLARK: Is there any debate on the amendment? If not, the question before the House is the adoption of the amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of Senator Warner's amendment.

SENATOR CLARK: The amendment is adopted. Now, Senator Warner, do you wish to return the bill, or advance it?

SENATOR WARNER: Mr. President, I move that LB 404 be re-advanced.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is readvanced. The next motion.

CLERK: Mr. President, with respect to LB 404A I have...Mr. President Senator Warner would move to return LB 404A to Select File for a specific amendment.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, this is not technical. This amendment, I have another one if you don't like this one. This amendment would reduce the current year appropriation from approximately \$2.6 million, \$2,552,000, to \$500,000 but the second year funding would remain at the amount that is currently in the bill. Some weeks ago some of those who were interested in the bill I had visited with and indicated I thought the bill had no chance at the \$2 million plus figure and the revenue picture was a little better then than it is now and I would suggest that maybe a smaller amount might be feasible and I agreed to offer that amendment which this represents. So you would know, if you still feel this is too much I have another one that is \$300,000 for this year and \$500,000 for the

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LB 404A

following year buy many of you I think have been visited with and the effect of this amendment is as I stated, \$500,000 this year and \$2 plus, \$2.6 million, for '83-'84.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: A question of Senator Warner again, Mr. President. I hate to have you keep jumping up and down, Senator. How would this amendment affect the lawsuit that is now pending against the Office on Aging for some \$300,000 that the eastern Nebraska Office on Aging is suing and other people? In other words, they are suing the Office on Aging.

SENATOR WARNER: I believe I saw, Senator Higgins, in the press that the Aging had reconsidered their adoption of that motion on the advice of the Attorney General and was no longer holding it, holding that money up. Now I may be in error but I believe that in any event it only dealt with the current year's, fiscal year '81-'82 appropriation.

SENATOR HIGGINS: I thought that is what you were dealing with, the current fiscal year.

SENATOR WARNER: This deals with '82-'83 appropriation as well as '83-'84.

SENATOR HIGGINS: Thank you, Senator.

SENATOR CLARK: Senator Schmit, did you want to talk? Senator Bernice Labedz, your lights are on. Did you want to talk? If not, the question before the House is the return of the bill for a specific amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted on returning the bill? Once more, have you all voted, please? Record the vote. Senator Warner.

SENATOR WARNER: I will ask for a Call of the House and just call in votes then, Mr. President, one way or the other.

SENATOR CLARK: A 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: 9 ayes, 2 nays to go under Call, Mr. President.

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LB 404A, 412

SENATOR CLARK: The House is under Call. All senators will check in, please. We will have call in votes.

CLERK: Senator Hoagland voting yes, Senator Beutler voting yes, Senator Duda voting no, Senator Sieck, you did vote yes, Senator. Senator Wiitala voting yes.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 11 nays, Mr. President.

SENATOR CLARK: The bill is returned. Senator Warner.

SENATOR WARNER: Mr. President, I would move that the motion be adopted. I am aware as all of you are that we are exceedingly tight on funds this year. I think the argument of course for the whole bill is long-term benefit to elderly, hopefully helping to keep them out of nursing homes, hopefully reducing some of those long-term costs and the motion is to reduce the, roughly, approximately about two and a half, \$2.3 million this year to \$500,000 with second year funding still being at \$2.6 million plus.

SENATOR CLARK: The time is up on the bill. We will take a vote on it up or down. All those in favor of the Warner amendment will vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? We are technically still under Call. Would all senators return to their desks, please. I know you're tired but we've still got an hour to go before we break for dinner. Record the vote.

CLERK: 25 ayes, 17 nays, Mr. President, on adoption of Senator Warner's amendment.

SENATOR CLARK: The motion is adopted. Now readvance the bill. This is the last motion on the bill. The question is the advancement of the bill. All those in favor say aye, opposed. All right, the bill is readvanced. On LB 412.

CLERK: Mr. President, on LB 412...Mr. President, the first motion I have on LB 412 is a motion from Senator Warner to return the bill for a specific amendment.

SENATOR CLARK: He wants to withdraw that.

SENATOR WARNER: That is from last year, right? Move to withdraw, unanimous consent to withdraw.

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LB 212, 212A, 404, 404A, 488,
547, 626, 816, 816A, 933

SENATOR CLARK: All right. Do you want to read the bills in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and re-engrossed LB 933 and find the same correctly engrossed; 547 correctly engrossed, 488 correctly re-engrossed; 816 correctly engrossed; 816A correctly engrossed; 404 correctly re-engrossed; 404A correctly re-engrossed and 212 and 212A both correctly re-engrossed, Mr. President, signed by Senator Kilgarin as Chair.

SENATOR CLARK: We are waiting on LB 255 and LB 255A. Are they on their way up? A motion to read in.

CLERK: Mr. President, Senators Hoagland and Wesely move that LB 626 become law notwithstanding the action of the Governor. That LB 626 become law notwithstanding the action of the Governor.

SENATOR CLARK: Any more motions on the desk? Who wants a point of order?

SENATOR DeCAMP: Mr. President, can this be taken up tomorrow? We're in session tomorrow, right?

SENATOR CLARK: That is right.

SENATOR DeCAMP: Is there any problem with taking the motion up tomorrow?

SENATOR CLARK: Which one, the one he just read?

SENATOR DeCAMP: The one he just read.

SENATOR CLARK: That will be taken up tomorrow. Wait a minute, wait a minute. Evidently this has to be considered today because this is the fifth day according to the Clerk.

SENATOR DeCAMP: Mr. President, and may I speak briefly? I'm the sponsor of 626. I personally have no intention of offering a veto override. I'm one of those that believes if you have the votes, you try it or reasonably have them. I don't have the votes. I think in the next six months people will learn the bill is necessary. I don't think that information is available today.

SENATOR CLARK: Well I didn't make the motion. Senator Beutler did and Senator Wesely I think, Hoagland and Wesely, I'm sorry. Senator Wesely, do you want to take it up?

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LB 404, 404A, 488, 574,
816, 602, 602A, 759, 787,
799, 816A

SENATOR LAMB: LB 799A passes on Final Reading without the emergency clause. LB 816.

CLERK: Mr. President, the bills that have been read on Final Reading thus far are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs...engrossed LBs 404, 404A, 488, 574, 602, 602A, 759, 787 799. So let's proceed then, Mr. Clerk, with LB 816.

CLERK: (Read LB 816 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on page 2000 and 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: The bill fails to receive the number of votes constitutionally required to pass the bill with the emergency clause, so the question now is, shall LB 816 pass without the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Senator Carsten, do you want me to record the vote? Record the vote.

CLERK: (Read the record vote as found on page 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 816 passes without the emergency clause attached. We are now ready, Mr. Clerk, for LB 816A, if you will read.

CLERK: (Read LB 816A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2002 of the Legislative Journal.) The vote is 30 ayes, 16 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

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404, 404A, 488, 547, 602,
602A, 868, 761, 787, 799,
816, 816A, 799A, 412, 933

PRESIDENT: Go ahead Mr. Clerk.

CLERK: Mr. President, I would like to read a couple of items in if I may.

PRESIDENT: All right, go ahead and read some matters in.

CLERK: Senator Hefner offers explanation of vote.
(Regarding LB 868, see page 2017 of the Legislative Journal).

I have two notices of bills having been presented to the Governor. (Regarding LB 761 and 787. See page 2017 of the Legislative Journal).

Mr. President, Senator Fowler would move that the Legislature would override the line-item reduction that reduces the appropriation from the Highway Cash Fund to the Department of Roads Operation Cash Fund.

PRESIDENT: Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, if I could have some attention I'll briefly explain with the issue is in the veto here.

PRESIDENT: (GAVEL)...either they are all out or they are all paying attention so go ahead.

SENATOR FOWLER: Among the vetoes was three and a half million dollars in highway funds. Now, if there is anything I think that has been a priority in the Legislature, it has been and something that many people from outstate Nebraska said is a growing need is money for roads. Now the level of appropriation that we established is based on the Department of Roads request for what they felt was necessary and I think they cut that back from what they really feel is needed to build a good highway system in Nebraska. Now the Governor for reasons that I can not quite understand vetoed three and a half million dollars in highway funds. The only rationale that I can determine is that it is to maintain the gas tax at the current level. Now three and a half million dollars is a 3.2% cut in the state funds for the road construction program. The reason it was does is that revenues in the highway fund as revenues in all other funds in the state are low. What I do not understand is when we have raised every other conceivable tax and fee to make up for a lack of revenue suddenly when we get to the roads program and the gas tax and the variable gas tax that