

February 2, 1981

LB 541

New bill, LB 541 by Senator Nichol at the request of the Governor. (Read LB 541.)

Mr. President, I have hearing notices from the Banking Committee and Judiciary Committee, Miscellaneous Subjects Committee and Constitutional, Revision and Recreation Committee signed by their respective chairmen. (See pages 389-390 of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Carsten on LB 178.

SENATOR CARSTEN: Mr. President, members of the Legislature, I would like to request unanimous consent to pass over 178. We do have an amendment coming from the bill drafter that is not here as yet. It is an amendment by Senator Goodrich. It is not a momentous amendment. It is really a clarifying amendment but I would rather not do it on Select File. I would rather do it on General File and for that reason I would hope that we might hold it over until tomorrow.

SPEAKER MARVEL: Any objection? If not, so ordered. We go to 185.

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LB 197A, 40, 192, 231,
340, 341, 411, 541

consideration of 197A and advancing it also. Thank you.

SENATOR CLARK: Senator Marsh. The question before the House is the advancement of 197A. All those in favor vote aye, opposed vote nay. Have you all voted? The advancement of 197A. Record the vote.

CLERK: 27 ayes, 2 nays on the motion to advance the A bill, Mr. President.

SENATOR CLARK: Motion carried. The bill is advanced. We will now take up LB 40.

CLERK: Mr. President, if I may right before we get to that, Banking, Commerce and Insurance gives notice of gubernatorial appointments as approved by the committee.

The committee on Judiciary reports LB 541 to General File with amendments; 192 General File with amendments; 231 General File with amendments; 411 General File with amendments; 340 General File with amendments; 341 General File with amendments. (Signed) Senator Nichol, Chair.

Mr. President, LB 40 was a bill introduced by Senators Koch, DeCamp and Goodrich. (Read title.) The bill was first read on January 8, referred to the Revenue Committee. The bill was advanced to General File. There are committee amendments pending by the Revenue Committee, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I move for the adoption of the committee amendments. The committee amendments to LB 40 would require that the tax could not be continued, the Omaha city half-cent sales tax could not be continued after December 31, 1981 unless the majority of those voting in an election approved of the extension. I think the philosophy of the committee after we heard this bill realizing full well that the people of the City of Omaha did vote to accept the half-cent sales tax for a specific period of time, now this bill as it was presented is a permanent tax that would be put on. The committee felt that it was improper, I believe I am speaking for the committee, for this Legislature to impose upon the people of the City of Omaha a permanent half-cent sales tax without their consent or rejection and it was in that light that this amendment

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South balcony some friends and visitors to the Legislature, guests of Senator Goll. They are from Hastings, Nebraska, a friend, Mrs. Tom Miller. Would Mrs. Miller stand and be recognized? Welcome to your Legislature, Mrs. Miller. The next bill on General File priority bills is LB 541, Mr. Clerk.

CLERK: Mr. President, LB 541 (read title). The bill was first read on February 2, referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

PRESIDENT: The Chair recognizes Senator Nichol for purposes of discussing the committee amendments.

SENATOR NICHOL: Mr. President and members of the Legislature, LB 541 removes the State Patrol from the Department of Roads and makes it a separate administrative department under the Governor. The Department of Roads is to transfer all vehicles, equipment, facilities, records and personnel under its control to the State Patrol. There also exists certain lease arrangements between the Department of Roads and the State Patrol and the Judiciary Committee amendments provide that all lease arrangements now existing would remain in full force and effect after the effective date of the act. I move for the adoption of the committee amendments.

PRESIDENT: Any further discussion on the Judiciary Committee amendments on LB 541? If not, all those in favor of the Judiciary Committee amendments vote aye, opposed nay. Have you all voted? Have you all voted on the Judiciary Committee amendments to LB 541? Record the vote.

CLERK: 26 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

PRESIDENT: Motion carries. The committee amendments are adopted. Any further amendments, Mr. Clerk?

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

PRESIDENT: Senator Nichol, you may proceed to explain the bill. Senator Kahle, for what purpose? He will explain the bill and then we will call on you.

SENATOR NICHOL: Mr. President, members of the Legislature, LB 541 embodies one of the recommendations made by the Governor's Task Force on government improvement. The bill would reorganize the State Patrol as a separate administrative department under the Governor. Currently the Patrol

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is made a part of the Department of Roads for organizational purposes even though it has been considered as a separate executive department for a number of years and does operate under the direct control of the Governor. The bill will clarify what is at present a needlessly complicated and misunderstood organizational structure. I move for the advancement of LB 541.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members, I would like to ask Senator Nichol a question.

PRESIDENT: Senator Nichol, will you respond?

SENATOR NICHOL: Yes.

SENATOR KAHLE: How does this affect the, as we call them, the "weigh boys" or the people that man the weigh stations and the portable scales? Are they going to be under the Highway Department or under the Patrol?

SENATOR NICHOL: I understand those are to remain under the Department of Roads with the exception of the people making arrests and so forth which are the Patrol, patrolmen.

SENATOR KAHLE: But do not the weigh people now have the right to arrest you or are they just allowed to give you a ticket?

SENATOR NICHOL: I am not sure exactly...are you talking about the people that do the arresting or the people that maintain the property or the people sitting in the station?

SENATOR KAHLE: Well, I am thinking of, basically, of course, it would be a little easier to understand I guess if we talked about the people that run around with the portable scales with the state car with the uniform on. They do not have the training or the, I suppose, all the official capacity of a patrolman but they can arrest you I believe?

SENATOR NICHOL: Senator Kahle, may I answer that in this way for the time being. I believe that those are going to remain with the Department of Roads but I will check into it to make sure of it so that by the time we get to Select File I will have a definite answer for you on that point.

SENATOR KAHLE: That is fine but I think we should clarify whether these people are part of the patrol or part of the highway system or what authority they are going to have under

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the new set up and that is a concern of mine and I certainly will be glad to wait.

SENATOR NICHOL: I agree with you.

PRESIDENT: Anything further then on LB 541? Senator Nichol, do you wish to close?

SENATOR NICHOL: No, I think it is explained and I would ask to advance the bill.

PRESIDENT: All right, the motion then is the advance of LB 541 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: Motion carries. LB 541 is advanced to E & R. Next bill on General File priority bills is LB 360, Mr. Clerk.

CLERK: Mr. President, LB 360 (read title). The bill was originally read on January 19, referred to Revenue for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President, by the Revenue Committee.

PRESIDENT: The Chair recognizes Senator Carsten for the committee amendments.

SENATOR CARSTEN: Mr. President and members of the Legislature, the committee amendments first of all exempts farm trucks from the provision or the requirement. It does change the penalty from a Class III misdemeanor to a \$100 administrative penalty. It provides that monies from fees and penalties be credit to the highway trucker cash fund and also repeals a section that is made obsolete by the bill and there is some miscellaneous just clarifications. Really the amendments do have an impact on the bill and I would refer for further comments to Senator Warner but would, before doing that, move for the adoption of the committee amendments, Mr. President.

PRESIDENT: Senator Warner, did you....?

SENATOR WARNER: Mr. President, members of the Legislature, since the committee amendment and the bill are the same thing, I could comment now and then not repeat it on the bill itself.

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LB 35, 95, 132, 173, 266, 266A,
360, 477, 506, 541, 545
LR 57, 58, 59, 60

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Orin Graff, United Presbyterian Church, North Bend, Nebraska.

PASTOR GRAFF: Offered prayer.

SPEAKER MARVEL: Roll call. Would you please record your presence. Record.

CLERK: Quroum present Mr. President.

SPEAKER MARVEL: Do you have any items you want to

CLERK: Mr. President, a communication addressed to the Clerk regarding LB 173. Letter appears on page 1527 of the Legislative Journal.

Mr. President, your committee on Enrollment and Review respectfully reports they they have carefully examined LB 95 and recommend the same be placed on Select File with amendments, 541 Select File, 360 Select File with amendments, 506 Select File with amendments, 266 Select File with amendments, 266A Select File, 545 Select File with amendments, all signed Senator Kilgarin, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined engrossed Legislative Bill 35 and find the same correctly engrossed, 249 correctly engrossed, 477 correctly engrossed and LB 132 correctly re-engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution LR 60 by Senators Koch and Wagner. Read LR 60. That will be laid over.

Mr. President, finally LR 57, 58 and 59 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LR 57, LR 58, and LR 59.

We have some guests visiting us today and before we get started on other business, from Sidney, Australia underneath the north balcony visiting the Legislature today, Mr. Mon Khamis, will you please stand so that we can recognize you.

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LB 163, 512, 541, 562
LR 77

advancement of 163 is the motion. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: See that doesn't take so long if you get at it, does it. The bill is advanced. LB 562.

CLERK: Mr. President, if I may, right before we get to that I have some matters to read in. Legislative Resolution 77 offered by the Public Works Committee. The purpose of the study calling for. . . read LR 77.

Senator Howard Peterson would like to print amendments to LB 512 and Senators Nichol and others to LB 541.

Mr. President, LB 562, there are no E & R amendments to the bill. The first amendment that I have is from Senator Koch, the amendment is on page 1611 of the Journal, Mr. President.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Clerk, will you please read the amendment.

CLERK: Read Koch amendment.

SENATOR CLERK: Senator Koch.

SENATOR KOCH: Thank you Mr. Clerk. For those of you who may not be familiar with LB 562, the Governor in his request did have in there the \$500,000 for the capital construction money. A year ago we approved the planning money for the purpose of studying this issue to determine whether or not we should indeed proceed with renovation of this facility. I would remind you that the building formerly was an orthopedic hospital structurally sound but rapidly deteriorating and the heating and cooling system is almost in a total state of disrepair. Not too long ago we were talking about weatherizing buildings and we are going to get back to that before very long. Now, here we have a state agency, where we spend the planning money and the estimate was \$500,000 to bring it in compliance to some degree so that we could have a totally efficient facility

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SENATOR HOAGLAND: Not in detail, no.

SENATOR CHAMBERS: But upon looking at it, are you a little less certain that you support it one hundred percent?

SENATOR HOAGLAND: Well, I think that there are some questions raised by Section 44, Senator Chambers.

SENATOR CHAMBERS: And the only reason I am saying this, members of the Legislature, is because it is clear from Senator Hoagland's position on this bill and 213 that he is not trying to weaken this whole thing that Senator Cullan and others are trying to do. But when others who have looked at the matter, come to a similar conclusion even when they are on opposite sides of the fence, so to speak, then I think a wise person would reconsider. So I am just going to vote against the bill and I won't reintroduce Senator DeCamp's amendment to strike it because I think if it stays, it might knock the whole monstrosity down, which would suit me fine.

SENATOR CLARK: The motion is the advancement of the bill. All those in favor say aye. A machine vote has been asked for. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: While we are taking the vote I would like to introduce a guest of Lowell Johnson, Senator Lowell Johnson, from Fremont, although he is the son-in-law of Senator Remmers, Mike Guilliat, and I hope I am right on the pronunciation. Will you stand up? Welcome to the Legislature. Record the vote.

CLERK: 26 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. LB 541.

CLERK: Mr. President, LB 541 does not have E & R. I do have amendments from Senator...well several Senators, Mr. President, Senators Nichol, Sieck, DeCamp, Haberman, Maresh, Kremer, Higgins, Hefner, Johnson, Wiitala, Cullan, Fenger, Labedz, Goodrich, Vickers, Koch, Howard Peterson, Wagner, Wiitala, Kahle, Newell, Remmers, R. Peterson and Chambers.

SENATOR CLARK: Are those all separate amendments or all from one person?

CLERK: No, they are all from one person, and they are found on page 1734 of the Journal, Mr. President.

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SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, this is a bill that was brought up last year, went through a hearing, came out of the committee, was on General File and we ran out of time, as I recall, it died on the vine like several bills do each year. This merely provides for \$100 a month expense for patrolmen. And I sent you a handout which shows that the impact is \$334,000. It actually is \$374,240 because as I understand it six patrolmen have been taken off the force for the coming year, so it would actually make the fiscal note \$5,760 less. In looking at your handout you can pretty well see what it does, and there is also a copy of the amendment. This was in the Governor's budget to start with and I heartily recommend that you adopt this amendment. Thank you.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, I just would indicate that as has been pointed out this was a budget request, appropriate to put it on an A bill because of the statutory requirement that the amendment provides. However, I would call your attention to the fact that I don't think this is probably the year in which another \$374,000 for this purpose is possible to do. It is true that the Governor had it in his budget submission originally...of course, that was at an 8 percent salary adjustment, we are at 9. That is substantially more money than what this \$300,000 is, and I guess what I am suggesting is that within the framework of available funds I just don't believe that this is as meritorious as it might be. I don't think that it would be desirable to adopt the amendment and advance the bill with this provision and with this cost.

SENATOR CLARK: Senator Dick Maresh.

SENATOR MARESH: Mr. President and members of the Legislature, I think something we need to look at is the number of patrolmen that quit. In 1979 there were 23 patrolmen quit and in 1980, 22, so during those two years we lost 45 patrol...members of the patrol. And I think if we could do anything to help to retain them such as this providing meals, I think this would help and so I hope that the body goes along with amending this bill to provide this allocation for the patrol.

SENATOR CLARK: Senator Kilgarin and then Senator Marsh.

SENATOR KILGARIN: Thank you, Mr. President, and members of the Legislature, I just wanted to rise to support this

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amendment, Senator Nichol and the other Senators' amendment. They are...the state patrol are forced to eat in public places. It is a mandatory requirement, and I think it is only fair that we reimburse them for this expense. Thank you.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I rise to oppose the proposed amendment, and my reasons for doing so are based on the fact that my personal highest priority for state employees, all state employees, includes a decent increase in salary for state employees. This amendment was brought to the Appropriations Committee. It was one of the items considered. It was my personal belief that the members of the state patrol as well as other state employees would rather have a higher salary, higher than came on the request from the Governor. My personal commitment was to raise that salary as high as we could raise it within the Appropriations' dollars. Some of you might think it would be difficult to speak against it with our fine help looking on this morning, but conscience tells me I should rise to speak to the overall budget, the look at all of state employees who need the increase, not one category set off against another category. We have added additional dollars. We have added another category last year of uniformed officers so that they would be eligible for an increase, and with that in mind I do not believe this is the year for the additional dollars in this one category. I am highly desirous of increasing the salary level for all state employees. Do we endanger all other increases if this one is adopted?

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President and members of the Legislature, I, too, rise in opposition to this amendment, and it is not because I am not supportive of the state patrol because that is not true. I think that Senator Warner has touched on the monetary and economic impact that this will have, as has Senator Marsh. But I think there are other considerations that should be given also. The most important one is that an exception is being made for a distinct group within state government, and I don't think that that is a good policy. Already the patrol is receiving a telephone allowance of approximately \$8 per month, and a cleaning allowance of \$20 per month. Now are there other state employees that serve the citizens of Nebraska that should be given the same benefits? And additionally are there others that should receive the benefit that is being requested at

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the present time? My feeling is that we should compensate individuals through salary treatment so that these things are taken into consideration rather than adding these exceptions. I think it makes for poor state policy. Additionally, since Senator Maresh rose and indicated the number of individuals that they lose from the patrol each year and he indicated what the numbers are, as the presentation was made before the Appropriations Committee, if my memory serves me properly, I think the turnover within the state patrol is less than 5 percent, and if we are concerned about turnover, I think we should consider the turnover within state government which approximates 25 percent. So I don't think that 5 percent is a tremendous amount of turnover. Additionally, we were provided with figures on applicants who wished to become employed with the patrol and we know that of qualified individuals that make applications hundreds are turned away, so there are less positions available than those qualified individuals to fill them. I think it is a poor policy when we make exceptions. Again, I am supportive of the patrol, but I feel that these items should be included in their salaries and through that treatment they should receive the compensation rather than the exception that is being requested at present. Thank you.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I also want to oppose the amendment. And I would just make one brief remark which, in part, reiterates what Senator Stoney has said. But this really reminds me of my old U.S. Army days. We had an onbase allowance and an offbase allowance, and an overseas allowance and a clothing allowance, and extra food allowance in some cases, and this kind of allowance and that kind of allowance, and when we got all done, nobody knew what anybody was making and nobody knew how to compare it with the other employees. Nobody knew how to compare it with private industry. It was just a big mess. And the federal government has been trying to patch up that mess for a long, long time. And what I am suggesting to you is, this clothing allowance thing, meal allowance thing, as Senator Stoney has indicated, that can spread out into all kinds of groups of public employees, and we can play that game in here for a long, long time, but it will just be disastrous. It will just make comparisons impossible. It will make the whole system of regulating and getting some equity between public employees much, much more difficult. It should be done as Senator Stoney indicated by adjustments to salary. Thank you.

SENATOR CLARK: Senator Sieck.

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SENATOR SIECK: Mr. President and members of the body, I am going to support this bill, or this amendment. I do feel that the patrol officers do need it. They are entitled to it. And you talk about a new program, it isn't a new program. We already have a per diem or allowance, same thing. They are not going to get \$100. They are only going to get \$72 because they are now getting \$28. Furthermore, we only have 60 patrol on the road at one time in any given part of the day. Now that isn't very many patrolmen on the road. We have 280 patrol that are actually traffic patrol officers, but 60 of these are on the road at one time. Now this isn't going to cost too much, and I feel that they are entitled to it. Yes, I would rather see them get it in wages, but we seem to drag our feet and not give it to them in that particular line. Now they are out there on the call of duty. They are doing things that a lot of other state employees are not doing. Their life is in danger. I feel that they are really entitled to this per diem that we are trying to put on the bill. I highly endorse this amendment. Thank you.

SENATOR CLARK: We have ten minutes before lunch and I have got 8 lights on. Senator Cope is next.

SENATOR COPE: Mr. President and members, I call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Would you welcome, please, Senator John Savage. Just coming down. Record the vote.

CLERK: 26 ayes, 8 nays, Mr. President, to cease debate.

SENATOR CLARK: Debate is ceased. Senator Nichol, do you wish to close?

SENATOR NICHOL: Mr. Chairman, may I give just a minute to Senator Higgins? She wanted to say a thing, and then I will close very briefly.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Thank you, Mr. Chairman, and Senators. We are talking about highway patrolmen having a starting salary today of \$1102, and we are talking about giving them \$100 expenses. And Senator Marsh made the statement that

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this was considered in the Appropriations Committee in granting salary increases to all employees. Not all employees have the expenses of these men. They get out of their cars and they chase somebody, they tear their pants. Quit running. At any rate, expenses aren't tax deductible, and this is one way of giving these men what they deserve. Now when you are going to give them a salary increase, the government is going to get part of it. The highway patrol doesn't have a union that negotiates for them. They belong to an association but they have to pay dues to that association. So they are not really going to realize what you think they will out of this 72 or 78 dollar increase. And I just want to remind you that while Senator Higgins is here speaking for the highway patrol, in the last three years I have two tickets from them. So I am not speaking from any personal standpoint of looking for favors or anything. I have had my two tickets in the last three years. But I do think that you ought to consider that by giving them an additional expense account, we are giving them a boost, and at \$1102 salary, Senators, if you made \$1102 a month salary and you had two children, you will be eligible for an awful lot of government welfare programs. Thank you.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, in closing I would just remind you of two or three things that have been brought up. First of all, as far as I know this is the only state employee who is not allowed to eat at home while they are on duty. They must eat out. Secondly, we spend approximately \$20,000 to train these people the first year, and about half that much the second year, so the rate of turnover is certainly more important than those who do not receive this kind of training. We are now giving them \$28 a month for cleaning which doesn't go too far...or...yes, \$28 including cleaning and telephone bills which does not go very far. \$100 certainly would be reasonable. Lastly, the state patrol is a visible part of state government. I think we should be proud of them. I am proud of them. I like the way they look. I like the way they act with the exception of when they give me a speeding ticket. But I have to admit that they are always right when they have done that. So I do support this heartily and I hope you do. We should have done it last year, but I think we should do it this year.

SENATOR CLARK: Before we take a vote on this, I would like to announce before they leave, forty-eight 8th Grade students and six adults from Holt County Rural School, O'Neil, Nebraska. Senator DeCamp's District. We have got Mr. Kenneth Weller, who is the Superintendent, and five teachers. Will you put your hands up there so we can find out where you are?

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LR 122, 123, 124, 125
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Would you put your hands up so we can recognize you, please? Welcome to the Legislature. The question before the House is the adoption of the Nichol and 25 others' amendments. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Have you all voted on the adoption of the Nichol amendment? Record the vote.

CLERK: 26 ayes, 18 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: The amendment is adopted. Do you have anything further on the bill?

CLERK: I have nothing further on this bill, no, sir.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I move for the advancement of the bill.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed nay. The bill is advanced. Senator Haberman, as soon as we read some things in, will you recess us until 1:30.

CLERK: Mr. President, new resolutions. LR 122 calls for a study of the Medicaid system in Nebraska. It's offered by Senator Fowler. 123, offered by the Judiciary Committee the purpose of the study being to consider any legitimate use of wiretapping against the attendant questions of constitutionality, need and effectiveness. 124, by Judiciary... I am sorry, by Telecommunications, calls for a study of the possible construction of a microwave interconnect system between Lincoln and Omaha as authorized by LB 562. 125, by Senators Haberman...by Telecommunication...Intergovernmental Cooperation, excuse me. The purpose of the study being as to the necessity and accountability of records in the office of Intergovernmental office. (See pages 1829 through 1831 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented for the Governor the budget bill for his consideration.

SENATOR CLARK: Is that all that you have got?

CLERK: That's all that I have, Mr. President.

SENATOR CLARK: There is a meeting of the Public Works

LB 3, 11, 12, 70, 95, 99, 228,
250, 257, 266, 266A, 296A,
310, 318, 328A, 369, 381, 384,
389, 428, 441, 470, 472, 472A,
497, 501, 506, 541, 543, 556A

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PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

REVEREND PALMER: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President, plus one.

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: Mr. President, I have no corrections.

PRESIDENT: The Journal will stand as published. Any other messages, reports or announcements?

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Chronister regarding compensation of rural water districts. That will be inserted in the Journal. (See pages 1899-1900 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined engrossed LB 3 and find the same correctly engrossed. 11 correctly engrossed, 12 correctly engrossed, 70 correctly engrossed, 95 correctly engrossed, 99 correctly engrossed, 228 correctly engrossed, 250 correctly engrossed, 257 correctly engrossed, 266 correctly engrossed, 266A correctly engrossed, 296A correctly engrossed, 310 correctly engrossed, 328A correctly engrossed, 369 correctly engrossed, 381 correctly engrossed, 384 correctly engrossed, 389 correctly engrossed, 428 correctly engrossed, 441 correctly engrossed, 470 correctly engrossed, 472 correctly engrossed, 472A correctly engrossed, 497 correctly engrossed, 501 correctly engrossed, 506 correctly engrossed, 541 correctly engrossed, 543 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

Mr. President, a new A bill, LB 556A, offered by the Speaker at the request of the Governor. (Read as found on page 1904 of the Legislative Journal.)

Mr. President, Senator Vard Johnson would like to print amendments in the Journal to LB 428 and Senator DeCamp to LB 318. See pages 1904-1906 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel for an explanation of order of business today on the agenda. Speaker Marvel.

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CLERK: Mr. President, (Record vote read. See pages 2182 and 2183, Legislative Journal.) 39 ayes, 6 nays, 4 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 541.

CLERK: Mr. President, I have a motion on the desk. Mr. President, Senator Warner would move to return LB 541 to Select File for specific amendment: The amendment would be the provision relating to \$100 a month for officers.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, short and quick, the motion is to return to remove the provision for the \$100 a month, as I recall, \$278,000, in the A bill, or \$273,000. I appreciate the merit of the proposal but I can add fairly decently and we are in deep trouble in terms of available receipts. I don't know what the consensus of the body is on expenditures but I want to at least provide an opportunity to defer this expenditure for this year, and in order to do that, I would need to strike the provisions for the \$100 a month that was provided by the floor amendment for the State Patrol.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I think we went through this the other day. What we are doing is providing \$100 a month expenses for a patrolman. Currently they are getting \$28 a month for expenses. Lately they have been forced to eat their noon meal away from home when they are on duty. As a result of this, I think if any of you have ever traveled, you know you don't do too much, you don't make too much profit on \$100 a month expense. These gentlemen who are forced to do this, no other employees that I know of under the employment of the State of Nebraska are compelled to do this. Secondly, these employees, the State Patrolmen are expensive people. It cost many thousand dollars as was brought out the other day to train these men the first two years, and with this small amount that we are giving them, I really think it is the thing to do. I think this is something we morally should be doing for these gentlemen. These are the people, and I understand there is a lady or two among us now, but anyway I think this is something that the State of Nebraska looks to, the organization of which they are proud, and we expect them to look nice, their uniforms clean. I don't think that \$100 is out of reason one bit. I really hope you object to Senator Warner's amendment

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and deny it.

SPEAKER MARVEL: Senator Dworak. We are all speaking to the motion to return and we are talking about 541.

SENATOR DWORAK: Mr. President and colleagues, I support Senator Warner's motion to return this. We are spending a lot of money and I think we are treacherously close, if we haven't passed that threshold that would trigger a tax increase. I think the State Patrol is doing a good job, number one. Number two, I don't believe they are underpaid. Number three, our turnover rate in that particular agency of state government is very, very low. Number four, we have a waiting list of people trying to get in, but because of the turnover rate is three of four percent, that waiting list continues to get longer. I am not saying, Senator Nichol, that this isn't a good thing but I don't think it is a priority. I don't even think it is a necessity and it is not going to damage our Patrol's morale if this isn't passed. It isn't going to take something away from them that they don't now already have. I think it becomes a matter of priorities and I think we have a lot higher and many more priorities than this and I support the return of this bill, and when or if it is returned, will vote to delete this expenditure from the budget.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, and Senator Warner, at first I voted for this amendment to give the \$100 but I have talked to a couple of the members of the Budget Committee and it probably would be better to follow the technique of increasing the salary if it is felt that these individuals are not paid enough. So I will acknowledge that I did not cast a vote which would have been the best way to reward people for the work that they are doing. This is something like a tack on which is saying that the salary you receive is adequate but we are going to give you something extra. If in fact the salary is not adequate and the Legislature feels that way, we should amend the salary level to a higher amount. So I will support Senator Warner's motion to bring the bill back, and while I am doing it, I am acknowledging something which you will not often hear me do, that I made a mistake.

SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body, I rise in opposition to the motion to bring it back. I think we have a very good force on the Highway Patrol in the form of Highway Patrol. I only wish some of the other law

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enforcement bodies of the state were as high a quality and as capable and well-trained as these men are. When we put them out on the road, I think they are a long ways from home, we should be at least furnishing a sufficient amount of money for them to meet the cost of having lunch away from home, having some of the meals they need away from home, and I sure hope, just like Senator Nichol said, I hope that they will use this kind of money to keep their uniforms clean in spite of the fact that they have to stop and help some motorists in distress on the highway and they change tires, for example, for motorists that can't do it for themselves. They cart them to a filling station where they can get gas if they run out of gas or anything like that. I just think we should, we owe it to these gentlemen to provide a token amount, \$100 a month, to meet those kind of expenses that they are bound to run across and I wholeheartedly oppose the motion to bring this back. It is such a small amount for each one of these men. However, it means something to them. Their morale will be affected in contrast to what Senator Dworak said and I wholeheartedly oppose the motion to bring this back. I think they deserve it. I think we ought to give it to them.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: I call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 25 ayes, 7 nays, Mr. President, to cease debate.

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: Again, Mr. President, I am not arguing the merits of the \$100 a month one way or the other. They do get \$20 now for phone and for cleaning but my argument is solely one of not the morale of the Patrol which I am concerned about but at the moment I am more concerned about the morale of the Nebraska taxpayer, and I think their morale from what I read and hear on talk shows is a little low and I think they are getting the impression that every expenditure bill that comes across goes all the way across and I guess I am just suggesting that some places we have got to start stopping and here is one place to stop and I think it'd mean a reduction in the total budget of \$378,240 which I think we need to hold up in view of the economy and the pressure the tax rates are now receiving. I move the amendment be adopted.

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SPEAKER MARVEL: The motion is to return the bill as explained by Senator Warner. All in favor of that motion vote aye, opposed vote no. This is the motion to return the bill. Have you all voted? Have you all voted? Senator Warner.

SENATOR WARNER: I assume we are under Call, Mr. President, so to get the issue decided, I ask for a roll call vote and get it over with. Are we under Call?

SPEAKER MARVEL: Yes, we are under Call.

SENATOR WARNER: I will just ask for a roll call vote then, Mr. President.

SPEAKER MARVEL: Do you want to record your presence? Senator Burrows, Senator Wiitala, Senator Kremer, Senator Wesely, Senator Schmit, Senator Beutler, Senator Vard Johnson, Senator Hefner, Senator Landis. Senator Warner, we have Senator Hefner...okay, a roll call vote.

CLERK: (Roll call vote taken. See pages 2183 and 2184, Legislative Journal.) 23 ayes, 26 nays, Mr. President.

SPEAKER MARVEL: LB 541 on Final Reading.

CLERK: (Read LB 541 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. 541. Record the vote.

ASSISTANT CLERK: (Record vote read. See page 2184, Legislative Journal.) The vote is 37 ayes, 11 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Now before we go to the next item, we have some guests who are going to leave in a few minutes. Underneath the North balcony, it is my privilege to introduce twelve Nigerian legislators and staff from the Anambra State House of Assembly and they are here studying the legislative process and they are escorted by Mr. Herbert Smith of the State Department. Will you please rise so we may welcome you to the Unicameral? Thank you. The Clerk will now read on Final Reading LB 541A.

ASSISTANT CLERK: (Read LB 541A on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied

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LB 389, 396A, 548, 556A,
257, 257A, 273, 273A,
346, 477, 477A, 497,
529, 529A, 541, 541A, 561

389 and find the same correctly engrossed, 396A correctly engrossed, 548A correctly engrossed, 556A correctly engrossed. All signed by Senator Kilgarin.

Mr. President, your legislative bills 273, 273A, 346, 257, 477, 541, 541A, 497 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I'm about to sign, and do sign, LB 273, re-engrossed LB 273A, re-engrossed LB 346, re-engrossed bill 257, engrossed LB 257A, engrossed bill 477, engrossed LB 477A, engrossed LB 541, engrossed LB 541A, engrossed LB 497, engrossed LB 529, engrossed 529A.

We are still under item number five, motions, and the Clerk will read the next motion.

CLERK: Mr. President, Senator Newell has the next motion, but he has not yet arrived.

Mr. President, Senator Fowler and Vard Johnson have a motion I understand they want to withdraw.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: There will be an effort to return the claims bill so I think we will try that avenue again. So, I'll ask unanimous consent to withdraw this motion to override the veto on public transit.

SPEAKER MARVEL: Hearing no objections so ordered.

CLERK: Mr. President, the next one I have then is from Senator Chambers. Senator Chambers would move to override the Governor's line item veto of the ADC appropriation contained in LB 561.

SPEAKER MARVEL: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature this is an issue which we have discussed from time to time this session. It is one of those highly emotional matters and it is difficult to handle an emotional manner in an unemotional fashion. But on the chance that I may get carried away in trying to maintain my cool, I'm having sent around to you a one sheet statement of what it is that I am attempting to do. The amount of money which is involved and the