

session, and the word "actual" comes before the word "expenses", would not violate the constitutional prohibition against additional compensation pay or perquisites. Expenses are not included in the definition of pay, compensation or perquisites. So when the Legislature makes this declaration in such a law, I will be the Senator to file a verified voucher to receive expenses for this session that we are in now. If there is a refusal to honor the voucher despite the existence of a statute, I will then seek what is known as a writ of mandamus. This compels a public official to carry out his or her duties as stated in the statute. Without this legislation that is proposed now, there wouldn't be a way to get the matter into court through the writ of mandamus. This summer I submitted a voucher and it was just turned down cold but there was no way really to challenge that because there is no statutory authorization for expenses during session. So this is the only way that we can get the resolution. Based on the trend of modern day decisions in other states, not only relative to legislators but judges, the trend is to uphold the granting of expenses even though there is constitutional language limiting compensation to the salary and this one round trip. If you have any questions, I will be glad to answer them.

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, a few questions of Senator Chambers if I may.

PRESIDENT: Senator Chambers, will you respond?

SENATOR BEUTLER: Could you explain just very briefly the difference between LB 690 which we passed last year and LB 206?

SENATOR CHAMBERS: Only the year during which the introduction occurred.

SENATOR BEUTLER: And with regard to 690, the Attorney General gave the opinion that it violated the Nebraska Constitution, is that correct?

SENATOR CHAMBERS: I don't think an opinion was given on that particular bill. What they have gone back to is a 1937 opinion of the Attorney General which has been referred to at various times when senators would ask a question relative to expenses.

SENATOR BEUTLER: Senator Chambers, I would like to read you some language and see if you can identify it.