

September 28, 1992 LB 14

senators and visitors. That head of the Department of Administrative Services ruled that to be illegal. It could no longer be done, so as a result of that ruling, we had to go to the expense of printing a bill, having a public hearing, passing into law the authorization for the Legislature to provide coffee and other soft drinks, which is something that had been going on before I even got into the Legislature. So when you look at the types of arbitrary decisions that can be made by a department head, we should be careful as a Legislature not to subject any element of government to that type of arbitrariness. I realize that if you had a head of the Department of Personnel who is arbitrary, we still have a problem. But in that instance, the arbitrariness is strictly in the individual and not in the governmental structure itself. Since there is no showing that this merger will save any money, and it certainly is not going to lead to any cuts, this bill is outside of the purposes for which we were called into special session. In addition to that, a change of this magnitude requires more than merely having a bill placed on our desk and the brief commentary in the committee statement, and based on that change the structure of government in this substantive way. The other departments which are to be placed under DAS's control and converted into divisions should get the same consideration that the Department of Personnel is getting, but their function is different. Because this is a department that should be independent, it should remain an independent department. I see no reason for a merger of this kind, but it causes me to make this statement. There has been criticism of the auditor for saying that there needs to be a look at all of government to see if efficiencies can be found by eliminating this, adding that, merging this, that, or the other, and some members of the Legislature took umbrage, and I can understand that. But it would be better to pursue that course instead of piecemealing in this fashion without having any idea of the damage that can be done by a merger of this kind. My amendment deals only with the Department of Personnel. My amendment would strike all references to the Department of Personnel from this bill. The result will be that it maintains its status as an independent department. It is not under the control of DAS or the Director of DAS. And that is the way I think it should be, so I hope you will adopt this amendment. If you have any questions, I will be glad to answer them. But to say again, the issue goes beyond the Department of Personnel. It goes to the whole concept of this hasty type of merger that has substantive, probably far-reaching impact, which we have not considered, which we have