

May 16, 1973

SENATOR CARPENTER: To expand the minutes. Sometimes it is better to have the authorization without any money, but then it becomes the principal of the State at some future time, to implement it. Now I have no objection to what you are trying to do, except some time, most of the time, it is better to have the law of the authorization even though at this particular, you don't implement it with the A bill. Sometime along the line as long as it is a declared policy of the State, as it would be if it is passed. I'm talking only about the authorization. Then all you have to do is to implement it. You do what you want, I have no objection.

SENATOR SIMPSON: The only thing I'd say Senator Carpenter if we passed some bills that called for an added expenditure and then we don't put any money in it, how do the expend the money it calls for, it seems to me like somebody could file a law suit and say you have to now pay this whether it was funded or not, you don't have any right not do it.

SENATOR CARPENTER: Well, I would presume for example, after July 1, 1974. If you pass I'm now projecting what you be confronted with an amendment which I have to a pending bill on select file, in which Senator Warner will further refine it, in that case after that date, they would be in no position except to levy the taxes to pay it, but not until July 1, 1974.

PRESIDENT: Any further discussion of the motion, Senator Syas.

SENATOR SYAS: Well, in the first place I like, I think someone asked the Attorney General, about passing bills without the A bill, I don't know the outcome of it, but I think I know. I think this legislature can do anything and not pass, I don't care if you fund something this time and it is on the statutes and you don't fund it next time, I don't see how any clerk can force his legislature to do any funding. We had a situation here from a little while ago, a couple of days ago, where the judges, some of them were'nt going to get paid. I don't think the judges could have done a darn thing about it. They just wouldn't have gotten paid, I disagree with Senator Simpson, that if we pass these bills and not fund them. This is for 22 years, we've passed a lot of bills in my time, that we didn't fund. They call for funding. So I don't think unless the Attorney General's ruled otherwise, I think the legislature can do anything they want in that case and there is nothing the court can do about it. Thank-goodness for that one, because the courts seem to do everything else. They are taking powers away from this body and this congress and the executive powers, but maybe we're got them on this one spot.

PRESIDENT: Stand by Senator Syas, I think Senator Marvel has some input.

SENATOR SYAS: Wasn't there an attorney generals' opinion on this, this session?

PRESIDENT: I think that, Senator Marvel, do you care to respond?

SENATOR MARVEL: I'd like to make a statement first of all that it is quite obvious to me that this legislature is going to do what it wants to do anyway. If you pass all the A bills, it will cost you, well we won't get to the A bills that are left on general file, but the last figures that I had, were about 6½ million dollars. That is the first point, but in direct answer to Senator Syas, and this