

April 7, 1981

LB 111

the fact that now that we are in all day session and with our priority bill system, why we are debating one after the other exceedingly important and complex bills, and we are called upon to make a number of important decisions quickly and we are all getting tired, I think. We are well into the session and sometimes we make mistakes. And I think a lot of the issues raised by a lot of these bills are very complicated and, frankly, they are coming at us at too rapid a rate. Now I think we made a mistake last week and let me explain why. Now I reviewed carefully the transcript of the floor debate when Senator Chambers' motion to kill 111 was successful, and I think that the issues of accountability and judicial arrogance that were read into this rather simple bill simply aren't there, and by the time the arguments were completed, this body was really voting on something very different than the actual bill before it. Now let me make two major points in this argument right now. Let me talk about first what LB 111 does not do, what it does not do, and then what I perceive LB 111 does do. Now the first thing it doesn't do, and this is very important to emphasize, it simply does not take away our ability to set judicial salaries. In no way, shape or form does it take away the appropriate function of the Legislature to set judicial salaries any more than it affects our function to set salaries for members of the Executive Branch. With 111 we will continue to set judicial salaries. What it does do is it simply sets up a uniform system for doing that, like the State Personnel System that puts persons at different levels of responsibility into different positions on a scale. Now in the Executive Branch we don't independently set salaries for all department heads and assistant department heads, and division chiefs or for each separate grade or classification, in the same way the Board of Regents sets salaries for the University. They don't set a separate salary for full professors, for associate professors, for instructors. What they do is they put them on a scale and they move that scale up or down at the same time. Now that provides for uniformity and it provides for simplicity. Now every time we are called upon to raise salaries in the future, we are called upon to change a statute, to amend a statute. And when we amend that statute to change the salaries, we can also change the formula if we want. Or we can move certain groups of judges outside of that formula if we want. I mean, there is nothing about LB 111 that limits our discretion or changes the proper function that we have to set salaries. Now, secondly, something else LB 111 does not do, and this is the crucial issue I think that was discussed by a number of you, Senator Maresh and Senator Chambers and a number