

May 23, 1989

LB 147A

indefinitely postpone LB 147.

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, LB 147A was originally introduced for the purpose of funding LB 147. We have an opinion that we do not need the funding at this time and so I have asked that the bill be withdrawn. Any objections or any questions, I'll be glad to try to answer them.

PRESIDENT: Thank you. Senator Warner, please.

SENATOR WARNER: Well, you know, Mr. President, obviously for the bill LB 147 to be passed and not being a problem with the rule, the A bill, which is stuck on Select File, and rumor mill tells me it was stuck because there was some thought of trying to adjust judges' salaries generally, it's accurate to say that the failure to appropriate money does not constitute a flaw so that the judges could not be appointed. As a matter of fact, if the Legislature refused to appropriate money for the operation of the courts for some strange reason, I suspect that the courts, the Supreme Court, could go out and assess its own tax, probably, or compel it to be assessed. The point is that it isn't we don't need the bill. The appropriation will be made and it will be a deficit next year. It's that simple. Historically, we have always provided the funding knowing that that is necessary, so you should not assume that there is no money to the bill because there is. It's probably 138,000... 238,000 '89-90 and 314,000 in '90-91, and it will be a deficit appropriation and it will be mandatory. So with this...I...it's unfortunate. I wish I didn't catch it. The A bill should have been advanced Friday or Thursday, could have been, and I just didn't catch it. I have no problem with killing the bill 'cause I would rather have it killed and be alive come January to do whatever they might have done with it, so I agree with the indefinite postponement, but you should understand that there will be a deficit appropriation in this amount next year.

PRESIDENT: Thank you. Senator Chizek, please.

SENATOR CHIZEK: Mr. President and colleagues, Senator Warner and Senator Schmit are both correct. In the State v. Weston, it will be observed that the provision does not require the appropriation to be made by an act of the Legislature, and this opinion goes back to April 16 of 1982. I think that we, you