

with a number of other issues related to judicial resources. What I am proposing we say in LB 394 is the following, that the salary for Supreme Court Judges will be as it exists today unless Section 24-201.01 is amended in legislation passed in this session changing the salary, and in that case if the legislation, substantive language is passed changing the salaries, then and only then will the salary, will the appropriation bill carry the appropriation for the increase. And as I understand, the increase would be a percentage increase comparable to what other state employees are receiving. That way the Legislature will be able to continue its historic method of dealing with judicial pay raises by treating those as bills to be passed by the Legislature. If that legislation passes, then there will be the salary increase. If the substantive language does not change, then they won't. I think it is a... to just simply pass 394 as it is, and to make the salary increase effective upon passing of the appropriations bill is a radical shift of power between the legislative and the other two branches of government. Right now, in order to receive a salary increase and to spend taxpayers money on a salary increase, it is necessary to get a bill passed through the Legislature. If we establish the precedent of passing 394, we'll be in a position that the Governor and five members of the Appropriations Committee will be able to bring about a salary increase. I don't know how much debate or discussion there will be on this. I would hope we would keep the policy debate on judicial resources and what the judicial salary should be on LB 189. The adoption of this amendment will allow us to do that, and will allow 394, then, to progress along and catch up with the other appropriations bill. I would be happy to respond to any questions that anybody may have, and I may speak again, depending upon how other people react to this amendment.

SENATOR CROSBY: Thank you, Senator Withem. Discussion on the Withem amendment, Senator Wesely, your light is on first.

SENATOR WESELY: Thank you. Madam President and members, Senator Withem, your amendment, I heard the fail safe, so it maintains the salary increase, but there is a fallback if this approach is not valid. Can you...

SPEAKER WITHEM: No, no, it's traditional safety net language we put in appropriation bills. We are saying that if substantive language passes amending the statute, then they get their pay increase. If it doesn't, then they don't get their pay