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LB 423

SENATOR CHAMBERS: May we, though?

SENATOR D. PEDERSON: The constitution says up to \$12,000, and we could make it less than that.

SENATOR CHAMBERS: Now, you were correct when you said a person's salary in these offices cannot be increased or diminished during the term. So the Legislature could enact any bill into law that it chooses, especially one of these appropriations bills, by not appropriating the amount of money necessary. The Legislature could do that, couldn't it?

SENATOR D. PEDERSON: Yes.

SENATOR CHAMBERS: We could, by 25 votes,...

SENATOR D. PEDERSON: Yes.

SENATOR CHAMBERS: ...lessen the amount, and then enact that lesser amount into law, couldn't we?

SENATOR D. PEDERSON: We could.

SENATOR CHAMBERS: But any senator could take that to court and have it struck down as unconstitutional, because it violates the constitutional provision that our salary can neither be raised or lowered during our term of office. Would you agree with that?

SENATOR D. PEDERSON: If we pass it here, it can't be changed later, yes.

SENATOR CHAMBERS: Thank you. That's all I will ask Senator Don Pederson. Members of the Legislature, sometimes it helps us if we understand how the law works, the interrelationship between the constitution and the laws that we enact. It helps for us to understand what our salary is, how it got to be what it is, and how it is fixed, whether or not the provision in the constitution is self-executing, which it is not, whether, when the Legislature enacted a statute setting a salary, could it in fact have set a lower salary than \$12,000 per year? It could