

SENATOR CROSBY: One...thank you, Senator Lindsay. Senator Bromm, on the Withem amendment.

SENATOR BROMM: Thank you, Madam Chairperson and fellow senators. I don't know about anyone else but this is an extremely confusing debate. Part of the time we are debating about the fact that we ought to be debating the judges salaries on a separate bill, not on the appropriations bill, and partly because of tradition and because of the process, and I respect that. On the other hand, you can have the same debate on the appropriations bill and amend it or whatever you want to do as you can have on another bill. The other thing, the other backdrop to this thing that really confuses me is that the Judiciary Committee reported out LB 721, without any no votes, which says that we should change the manner in which we appropriate judges salaries and do it the way the Appropriations Committee is doing it. So apparently there was some unified support in Judiciary for changing the process, but the bill isn't passed, and I understand that, and I understand what Senator Warner said that the policy here is probably more important than the issues, and that the better policy is to keep the judge pay bill separate, then we should do that, and I think I agree with that. The problem is we have...we have a contradictory situation here because if we...if we adopt the Withem amendment, the only other vehicle, apparently, is LB 189. We are back to LB 189, which has a myriad of amendments and controversial issues, which if any of those are attached, it will put some people in the position of not wanting to vote for LB 189, but if they feel strongly enough about the judges salary increase, they will be forced to do that. So that is a real...that is a real dilemma. And the other thing is I am not so sure Senator Withem is correct in his constitutional analysis, if the judges pay increase is in LB 189 with some other issues, even though we have this safety net language in the appropriations bill, if the underlying bill is unconstitutional, you have to have...you have to have a valid bill somewhere for this safety net language, I think, to kick in and I haven't done a constitutional analysis of that or gotten an Attorney General's opinion, but I really thing that's a valid concern. Now having said that, I don't why we're...I don't how we've gotten into this situation exactly, and I don't think we're all dumb enough that we didn't realize that we had a judges pay raise bill coming along or the question. I think everyone did...most everyone did realize that, and I...we