

April 18, 1973

SENATOR SKARDA: Mr. President, a point of personal privilege. All I want to add is if I was present yesterday, as a matter of the record, I would have voted for 179.

PRESIDENT: Thank you. The chair recognizes Senator Marvel.

SENATOR MARVEL: I was in the Attorney General's office, I guess, when this discussion came up but I am in contact with Gerry Vitamvas getting a copy of the bill that Senator Carpenter introduced and was passed and then getting an opinion as to...now, this is what I understand the issue is. First of all, we passed a motion, Senator Stull's motion yesterday, that said that we will pass no "A" bills that have General Fund impact and that we will pass no other bills that have impact, whether they have an "A" bill or not. Now, I think the issue is this and we will use 311 as an example and, if this isn't the issue, somebody can tell me. 311 sets public policy. If 311 is passed without 311A, is the state obligated legally to appropriate money to implement a public policy? And I am in the process of getting information right now. It is going to take a few minutes to do it. I would suggest, therefore, that you pass over any bills, whether they have an "A" bill or not on Final Reading, that have potential impact until we can get some sort of an opinion from the Attorney General, and I think this is the question. Could you pass the 311 which sets public policy which require public funds without passing 311A? Can we obligate the state through public policies so that somebody if we don't fund it can go into court and file a suit and demand that we implement or that we fund a public policy which is set. Now, Senator Warner, this is your motion. Is that..Mr. President, could I direct a question to him? Is this, as you understand, what the issue is?

PRESIDENT: Senator Warner, do you yield to a question?

SENATOR WARNER: Yes. Senator Marvel, yes, I understand that's the issue. In addition, to the possibility that I don't think we're obligated to make an appropriation but I think it is possible that the Board of Equalization is obligated to set sales and income tax rates to provide for that program that was passed and to be implemented even after July...

SENATOR MARVEL: Without an "A" bill.

SENATOR WARNER: Even without an "A" bill.

SENATOR MARVEL: Yes.'

SENATOR WARNER: But what I would concur totally with what Senator Marvel has said in that we pass over those bills on Final Reading today that are in that position and I will hold that motion if..or ask unanimous consent to hold the motion of clarifying Senator Stull until Senator Marvel has clarification from the Attorney General as to the possible impact. If that is agreeable with the body, perhaps, Senator Marvel, you would want to ask unanimous consent to pass over all bills that have any future impact on the General Fund today pending the decision or the recommendation..

SENATOR MARVEL: OK. I would ask this permission, unanimous consent, that we pass over on Final Reading any bill which has impact or potential impact on the General Fund.

PRESIDENT: Now, does the chair understand that there is no time limitation on that? In other words, it does not involve the June 30th deadline or the June 30th, '74 deadline. It's just as you stated.