

April 3, 1985

LB 280A

Warner if I could, as I understand it, LB 280A, an appropriation that I agree with and want to make is made in this A bill. Are there any potential conflicts with either our rules or the Constitution with respect to placing in this A bill an appropriation that comes from the money of the accompanying revenue raising bill?

SENATOR WARNER: Senator Landis, the...I am not in a position to speak to this constitutional issue, I am not aware that there is. In the other aspect of what you are asking I think is the rule that requires A bill states that the legislation which establishes a new forum, new program, or expands an existing program shall have an A bill to provide the funding and the issue would be whether only bills that establish a new program or expands an existing program are the only ones that can have A bills. Historically, at least there has been precedent, where we have also attached A bills to revenue, pure revenue bill which 280 is, it does not change a program, so there is the rule of precedent that would permit 280A to proceed. I did indicate to the Chairman of the Rules Committee the other day it might be well to give thought to clarifying that rule. I don't think it ought to be, frankly, held to this bill because everybody was operating in good faith that this could be done, but I would think it would be well for the Rules Committee to look from this point forward as to whether or not the word "only" bills which establish a new program or expand an existing program will have A bills. Then that issue would be resolved. I would not want to argue we should do it on this one, however.

SENATOR LANDIS: Thank you very much. I would just like to pause as we are moving through these Select File bills to indicate I support the revenue measure in 280, I support the appropriation in 280A. It would seem to me that the best way to proceed would be to move the bill today but wait until the budget bill is out on the floor and simply amend into the budget bill LB 280A. It places appropriations matters for continuing programs in one place which is where it should be. Otherwise, we run afoul of our rules and, secondly, we may run afoul of gubernatorial perceptions as to what the appropriate method of handling budget items may be. We can certainly solve that as soon as the budget bill gets out and I just raise it to the body's attention at this time. Thank you.