

SENATOR BEUTLER: Senator Warner, a couple of questions, if I may. First of all, I guess basically I'm groping for perspective, to try to put things in relationship with one another. And most of all I'm trying to put this in relationship to Rule 5 of our rules, which has to do with A bills. And...and I guess...well, maybe my first question would be, why did you choose to address this in statute rather than amending our rules to require an A bill for this particular item?

SENATOR WARNER: Two reasons, one is if...if you look on...on page 2, lines 12 through 20, it spells out direction to the...to corrections as to the process that ought to be used, which obviously our rules would not have as much force as the statute. And then secondly, of course, the real...the real authority of this...this legislation rests in the fact that if we fail to initially appropriate funds for expansion of...of...or that is for legislation that results in expansion of...of the correction system, as far as number of individuals incarcerated, that the act is initially null and void until it is funded. And that we could not do by rules.

SENATOR BEUTLER: Okay. So, with respect to this particular kind of expenditure, you're doing two extraordinary things, in the sense that you're treating them differently than new programs or changes in existing programs as they would be effectuated by a rule of the Legislature. And the question I guess I'm getting to in my own mind is, why don't we have a broader rule of the Legislature, and why doesn't that rule, one, why doesn't it presently encompass what you're describing; and, two, if it doesn't, why not just expand that rule to require an A bill for any change, whether it relates to the prison system or not, that is reasonably believed to cause an increase in appropriations.

SENATOR WARNER: Yeah, Senator Beutler, the only response I have is that under a rule change obviously you would not have the impact of this legislation, which makes that...would make the new statute, the new law null and void because of lack of funding. And that is precisely the process that was used in Tennessee, that is their provision, if the Legislature fails to fund an expanded penalty that results in a greater number of people incarcerated, the act is null and void.

SENATOR BEUTLER: Ah...