

SENATOR SCHMIT: Well, Senator Murphy, the logic is apparently that, I think it's been pretty well determined that the federal government has slowed down on their...the funds they have available for this type of work, and the state has some responsibility in the area. I'm not sure that the bill does not carry a fiscal note, but we can only, of course, be involved to the extent that we appropriate money for those projects, and in the past we have not appropriated money in excess of that which can be utilized per year. For example, many of these projects are begun with an initial appropriation and then they are funded annually on a cash flow basis. We changed the law several years ago so that you could start the projects and work on them just based upon the amount of money that was available in the appropriations. This was one of the points that I attempted to make on the discussion on LB 359 in reference to the conservation fund and the water development fund where those appropriations, rather where those commitments are made in excess of appropriations, these commitments are only made in line with appropriations. But you are correct in your assessment as to the obligations.

SENATOR MURPHY: Well, I would have to express once more as I did earlier this session, my concern about the state fielding all the foul ball projects that the federal government has determined were a mistake in the first place, and the state is now being asked to assume an ever greater portion of federally designed programs. Now I had a further question, Senator Schmit, on why the Attorney General is being removed as the legal counsel where the state is involved, and I'm not sure I understand that one.

SENATOR SCHMIT: Well, the department does have their own legal counsel, Senator, and in the event of a...there's a possibility, I suppose, of a conflict between communities and Senator Kahle I see is on his feet, he may have a better explanation of that since he did serve as a member of the Environmental Control Council.

SENATOR KAHLE: Mr. Speaker, in regard to the Attorney General's part of it...that's an Attorney General's ruling. That's the reason it's done that way. As far as the twelve and a half percent, or whatever that figure is, the federal government grant money will now go up to eighty-five percent of the cost of these projects. So what it is really doing, it's lowering the cost to the state for the projects. But the federal government is funding it to a greater extent than it has before. That's the reason they're raising the part the state puts in by comparison, but it's only the part