

the so-called hammer that the Director will have, then you really need Senator Vickers' amendment. But if you are not serious about Senator Vickers' amendment, I am assuming that the committee amendment will not be very effective either because it may well be unconstitutional. So I just wanted to point that out recognizing that at the beginning way back in committee hearings last year, and Tom will admit this, or Senator Vickers will admit this, that when we discussed this we knew going in that this was going to be quite controversial to the counties and to the citizens of Nebraska because we are sort of really taking a drastic step here in trying to eradicate a serious problem or at least a problem we perceive to be serious and I think the discussion has been good. It has brought up many different points and I just simply... I don't have a strong opinion one way or the other but we do need to find a way to make the program more effective than it is today, or, in my mind, we should do away with it because as it is set up today it has not been functioning all that well.

SENATOR SCOFIELD PRESIDING

SENATOR SCOFIELD: The Chair recognizes Senator Pirsch to speak on the Vickers amendment.

SENATOR PIRSCH: I have a clarification I would like Senator Johnson to make. Did he leave? Senator Johnson, you had stated that we must adopt Senator Vickers' amendment to make the committee amendments constitutional. You cannot make them constitutional with another amendment?

SENATOR R. JOHNSON: Well, what I am saying is that based on the...after we had adopted...the committee had adopted Senator Vickers' amendment which basically provided for this authority to the department Director, we went back in and requested an Attorney General's Opinion, or Senator Vickers did...

SENATOR PIRSCH: Umm hmm.

SENATOR R. JOHNSON: ...and based on that opinion, it said that, yes, you can withhold funds based on the fact that we have done it in other programs.

SENATOR PIRSCH: Okay.