

SENATOR SMITH: Thank you, Mr. Chairman. Senator Schmit, could I just have a clarification here, please.

SENATOR SCHMIT: Surely.

SENATOR SMITH: What we are dealing with, at this point, is the amendment, is the funding for a one year...for this first year, only, you are talking about, giving the fact that we know it is going on...in fact in court process right now. And you are assuming that the decision won't be made, it will probably be appealed onto the next level and so on, and that it will be awhile before they resolve that issue. All right. As Senator Nelson said, we did deal in depth with this issue this morning in a public hearing. And I guess at this point I'm not sure.... I understand what you are saying now, that this is for this one year only that we could save this funding. But at the same time, since we haven't finished this issue in our own committee, I'm not sure that I want to deal with this right now.

SENATOR SCHMIT: I'm not sure I do either, Senator, but I'm afraid I'm losing people off the floor and it's a poor time to bring the amendment up. But I do think that because of the nature of the special session, and the fact that we still do not have an opinion back from the Attorney General as to whether or not LB 5 falls within the call, that we ought to deal with it. I believe LB 835A will fall within the call, but we could deal with it the same way here as we can through the adoption of LB 835. What I am saying is that the introduction of LB 5 served notice on the general public as to what I had in mind, so that I could not be accused of an end run on the industry. The industry is now well apprised, and I'm sure they've been busy. But I think contrary to what my good friend, Senator Nelson, says, there isn't any legitimate way these funds can be spent prior to June 30, 1987. Secondly, if Senator Warner will assure me that all of the other \$18 million in funds that I have outlined on the last page of this document will also lapse into the General Fund, I'll withdraw the amendment. I think he can't do that. I think there is going to be a rush to spend those funds. And I think it is irresponsible on the part of this Legislature to allow these funds to lie there because they are fair game, they are fair game for plundering, and it's happened repeatedly. I've pointed out they've been tapped from time to time for meritorious purposes. What I am saying is let's do it up front, let's take the 158,000 away, remove the temptation to use it in some other manner. Senator Warner....