

SENATOR DUIS: By taking this amendment off?

SENATOR WARNER: No.

SENATOR DUIS: Well, that's fine. I really don't know. I sat on the legislative committee that had these hearings during the interim and it was absolutely if I recall correctly, admitted to us that this was being done improperly and consequently I'm wondering is there any particular reason, Senator Warner, where did we get the idea to take this off? I'm not trying to do anything except to try to uphold what we heard during the interim on this particular subject.

SENATOR WARNER: Senator Duis, to answer your question directly, if you'll look at the amendment it is new language. I would assume that if the current money, the million three, that goes to the general fund and if the \$250,000 that goes for retirement and if the \$300,000, rather that goes for retirement and the \$197,000 that goes to Grand Island, if the use of that fund is unconstitutional, then those acts authorizing that are unconstitutional, not LB 748.

SENATOR DUIS: Thank you very much for the explanation but during the hearings and I'm sure that anyone on that committee and I would ask Senator DeCamp this question. Well, isn't it a fact that at our committee hearings during the interim that it was admitted that this was being done improperly and should be done differently?

SENATOR DE CAMP: The League of Municipalities came in and admitted it openly. Lincoln stood by the position that they had written a statute and defined these as court costs and the Attorney General's opinion in essence said this was a subterfuge. In other words, just calling something something doesn't make it that way, this type of thing. This amendment I offered after presenting it first to that Urban Affairs special committee. I brought it up there. I then laid it up here for something like eight weeks, six or eight weeks because I wanted to bring the matter to a head. When it came up on the floor, I explained it just what it was, I thought in fairly simple terms. I realize the financial impact it would have immediately. For that reason because the criminal code would not be implemented until next January, I felt we come in in January and come in with legislation that would correct it because I felt, quite frankly, I felt that there would be a stormy session over this, that I did not have the votes to maintain that amendment on there and therefore, try to get them to have an interim study which Senator Barnett agreed to, come in next year and be honest and address the problem.

SENATOR DUIS: The point is we've had the interim.

SENATOR DE CAMP: Pardon?

SENATOR DUIS: We've already had the interim investigation. Why do we need another one?

SENATOR DE CAMP: I'm satisfied with the information we have. Senator Barnett and others still have reservations and doubts. I don't want to be accused of jeopardizing the entire criminal code over this particular matter. In other words, I realize the difficulties. I happen to know I'm--I believe I'm right. I just don't want to jeopardize this entire criminal code over this one issue when I think this issue can be resolved in January, at least I hope it can. I don't want to torpedo that