Wickersham, Mr. President, AM3136. Subsequent to that offering, Senator Brashear offered a motion to bracket the bill. The bracket motion is pending.

SENATOR CUDABACK: We are on the bracket motion for LB 946. Senator Wickersham.

SENATOR WICKERSHAM: Mr. President and members of the body, I am sure you remember this bracket motion. This is the "somebody else" bracket motion, the "somebody else" bracket motion. The somebody else to the tune of about $25.6 million. Somebody else. In fact, somebody else almost to the tune of anybody else. This is the "somebody else" bracket motion. What we've heard in support of the "somebody else" bracket motion is it's illegal and I'm so wonderful that I can't imagine you would ever think of me in this context. It reminded me of an old kind of song. I can't remember exactly how all of it goes, but "it's wonderful; it's marvelous." Well, I...there, Senator Janssen has got the rest of the tune. Well, first let's think about whether this is illegal. Remember we had all this contract discussion. Well, you can frankly ignore whether or not you think there's a contract underlying this issue, and as you...I'm having passed out what I think is a fair discussion presented by a Mr. Steve Virgil. Mr. Virgil is an attorney. He was with Kutak Rock. He now is on a sabbatical from that firm for two years to do public interest work on a grant through the Nebraska Appleseed Center for Law in the Public Interest. Mr. Virgil makes what I think is a very cogent argument and one that was touched on a little bit yesterday. You can give the proponents of the bracket motion their argument that there's a contract. Give them that. Does that prevent us from doing something with the proceeds? Mr. Virgil suggests no; I agree. And, in fact, if you recall from yesterday, I pointed out that, in fact, we already tax part of the proceeds from these contracts. So it must not be terribly illegal. The sales tax rebates go in as income and are subject to the income tax if a company has income tax. This is not an illegal proposal. Now there may be a court challenge, that's true. But, frankly, I think that the courts will uphold this proposal if we adopt it and advance it. I was intrigued yesterday by the arguments that somehow there was a reliance by folks on current state law and that that reliance on