

come from the state building fund and then in line 26 strike 2.6 million and insert 1.3 million from the Nebraska construction fund. This will free the 1.3 million necessary to fund LB 245 which is currently on Final Reading. This amendment is necessary in order that LB 245 will be adequately funded before the Nebraska capital construction fund is completely appropriated. This amendment will also not raise the total budget but is merely switching funds from one area to the other. . As most of you know or all of you know LB 245 passed General File quite easily, it passed Select File I believe with 27 votes without a Call of the House so we assume that it has some strength. So I thought it would be wrong to let this funding go through as it now is, the cigarette tax money is completely used up and this would necessitate of course bringing 245 back and changing the funding for it, which would be another step that would not be necessary if we handle it today. I would hope that you would go along with this, we certainly know that we will have a battle when 245 comes before the body on Final Reading, we are not trying to circumvent that today but I do think that we should straighten out the funding problem here and now and not cobble it up or cause the bill to have undue problems on Final Reading. With that I move the adoption of my amendment.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: (no response)

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, to I guess give my explanation, normally for as long as I have known, since cigarette tax was established and the 5¢ was put on what we call the Nebraska capital construction fund. The receipts that were available after the debt service for those buildings that the tax was originally put on for, after that debt service was funded, the balance of what was raised has automatically been used for whatever authorized capital construction projects that came out of the committee before we begin to use straight General Fund money. It wasn't....because anything magic about the cigarette tax, it was just the simple fact that those funds that are collected are put into that fund and ought to be expended before you begin to use general fund money. So