

looking at the bill the other day, there is nothing unique, in fact, it's normal practice, the bill establishes a fund which is an educational excellence fund and in legislation it establishes a fund and it is perfectly appropriate, it seems to me, it should designate, in fact, it's necessary to designate the source of revenue to be placed in that fund. Now as the bill is drafted, it says, "and any money appropriated from the General Fund becomes that source". It seems to me to be totally consistent to earmark, because that's what it is, earmark revenue specifically to be the source of funding. And the issue here is not one of whether or not you need it, the issue here is whether or not you want to be able to sustain, not be subject to appropriation, limitations from a pool of money but rather you want to have a designated source of revenue to provide the money for this fund and, obviously, it has to be appropriated but the amount of money that would be raised and designated would be specific and subsequently could be appropriated. So I see nothing inconsistent with a very tight germaneness ruling to question Senator Schmit's amendment, but, primarily, because of the creation of a fund and he is merely designating the source of revenue for that fund specifically to be an earmark revenue rather than a General Fund appropriation which could be subject to change from year to year, based on the appropriation bill. It would still have to be appropriated but you would have to change the statute to not appropriate the full amount of the tax revenue that was raised from that 1 percent.

PRESIDENT: Thank you. Senator Lamb, please.

SENATOR LAMB: Question.

PRESIDENT: Okay, the question has been called. Do I see...okay, the rules department says that we don't necessarily have to cease debate but I do think we should probably allow Senator McFarland to make a closing remark.

SENATOR MCFARLAND: Thank you, Mr. President. I would like to make the closing remark. First, I would like to respond to Senator Schmit. Senator Schmit, this is the first day I have been here on this amendment. When this amendment was brought up last week I was not here, I was excused from the body. I would have raised it at that time had I been here. I think the types of arguments I'm hearing about the amendments are about as stretched as anybody can make them. They are so distorted and so overreaching that it begs credibility. If you rule that this