

I'm glad you recognize we have a problem, Senator. But in the opinion of the Attorney General, colleagues, it's very clear, it shall be exclusively used for the support and maintenance of the common schools in each school district of this state. And I think you should remember that because it is not being done now and I would urge your support to pull the bill from committee. If I have any time left, Mr. Speaker, I will yield it to Senator Withem.

SPEAKER BARRETT: Senator Withem. Two and a half minutes, Senator Withem.

SENATOR WITHEM: Yes, thank you, Mr. Speaker. Thank you, Senator Chizek, I do appreciate that. I did want to speak on a number of things that were raised and two or three points. The opponents of this amendment...first of all, Senator Haberman, I'm not sure if he understands what it is we're doing here. He's correct. Senator Schmit has a bill that will sell the school lands. We're not talking about doing that. We're not talking about raising 188 to sell the school lands. What we're saying is we have become aware there is a constitutional problem. We're calling the attention of the Legislature to the fact that we do have a constitutional problem. We're saying we can use 188 as a vehicle by adopting the amendment that Senator Schmit talked about in the committee. And, you know, frankly, I guess what we're doing, Senator Schmit and I are doing, is we are telling the members of the body we have discovered a constitutional problem. Senator Lamb says, you know, he can't quite figure out here in reading these two AG Opinions whether the AG thinks that doing anything different than distributing the money to the common schools is unconstitutional. Well, my gosh, he spells it out and uses that language just incredibly clearly. I think Senator Lamb knows that you can't ask the AG in opinion whether the current statute is constitutional or not. They only act on whether you want to change the statute. We phrased the language...the request, both of these requests so that the situation would be parallel, both Senator Schmit's case, my case, are parallel to the existing statute and it's incredibly clear. All you've got to do is read this and it is an unconstitutional. Now if you choose to act on this now and correct the 16-year-old problem, the courts may be somewhat lenient on us and say, well, you only discovered the problem this last year and you moved to correct it so we'll be kind of gentle on a settlement.