

SPEAKER BARRETT: One minute.

SENATOR WITHEM: If now that it's in the record that we have this problem and you continue to ignore the problem, then the type of scenario Senator Schmit is talking about may, in fact, come through. Senator Lamb says this is highway robbery and we should call the police. I guess I would agree simply by saying that the police are about 16 years late getting here, that the highway robbery that took place was when the bill...when Senator Dierks' predecessor passed legislation setting up an in lieu of taxes, blatantly unconstitutional. I invite you to visit with the sponsor of that bill privately now to ask what his views are on the whole situation. It's blatantly unconstitutional. We're merely asking that the police do come and we're not...at this point, I'm not asking that you pay all of that money back. I'm just saying that you correct the situation from here on out into the future. It's a blatantly unconstitutional situation. We, as a Legislature, need to act when situations are pointed out to us that are unconstitutional.

SPEAKER BARRETT: Thank you, sir. Senator Wesely, further discussion. Senator Wesely. Senator Schmit, further discussion.

SENATOR SCHMIT: Well, Mr. President and members, as I said, this isn't near as exciting as some of that more...that heavier stuff we deal with on this floor and it's not nearly as easily understood. But I just want to say this that those individuals in whose districts the school lands still are located ought to be thanking Senator Withem and myself for giving them this opportunity, because let me tell you what is going to happen if you do not address the issue responsibly during this session of the Legislature. The issue, as we know, has been in court for several years. They had some problems with the way the suit was filed. Those have been corrected. There is no way, absolutely no way that Millard will not prevail. And Senator Withem has laid it out very excellently for you and very eloquently for you. If we address the problem here today, the court may be somewhat lenient with us and say, okay, so you made a blunder back there and you transferred 80 million bucks improperly, we may not even force you to return the 80 million, although that wouldn't be a very likely decision, I wouldn't think. But we're at least not going to charge you 14 percent which we charge every other taxpayer if he doesn't pay his taxes on time. We might let you off the hook on that. If, however, this