

discussing here earlier, Senator Withem, particularly, and now I am going to ask you a question. Senator Warner, can we establish such a separate account contrary to what I understand is federal requirements in the way we distribute this money, and what it sounds like we are doing here is now setting aside another...making a new program to put this money into and to try to comply and satisfy the federal level, but at the same time still not meeting what they have...I have been told by the members of the body is not considered by them to be constitutional?

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: Senator Smith, the federal regulations does not prohibit, as I understand it, the distribution of the money for prior year Pell grants, which is essentially what we have been doing. The change came about because of the Attorney General's interpretation of the statute which says that we have to distribute it differently under existing law. I don't know how much time is left of yours...

SENATOR SMITH: Do you have your light on?

SENATOR WARNER: Yes.

SENATOR SMITH: Well, what I would like to do is just ask if I run out of time, you can go ahead and use my time, but if you run out, which I was given by Senator Withem, but if you have time then, if you run out, would you continue to...what I really am concerned about is can we even do what you are saying that what we are doing here? Are we using the same criteria that we are supposed to be using if you are setting up this separate kind of a program, a new program, for this fund? It is hard for me to put it into words, but do you understand what I am trying to ask you?

SENATOR WARNER: Yes

SENATOR SMITH: Okay.

SENATOR WARNER: And, Senator Smith, as I have been listening to the discussion, it occurs to me that I really am...the option that we are trying to provide for the Legislature is, I am not really describing it as I should have. All our discussion has been that the overmatch, which was the 750,000 that was added