SENATOR WARNER: Obviously, the amendment obviously can be adopted, Senator Schmit, but it would have to have absolutely no meaning because the law, substantive law, would not permit that kind of an expenditure or that kind of a pledge and so if you go to Washington and say we have intent language that pledges this fund and they would say but your law says it cannot be used that way, you know, that doesn't gain. Nothing...you can adopt the amendment, but it would have no effect I don't believe because the law does not permit it to be used in that way.

SENATOR SCHMIT: I guess...would that be different, Senator, than most intent language which we adopt where we must then come along and, in fact, enact substantive language if, in fact, we want to implement something or is it just a sham, I guess? I don't like to use that word.

SENATOR WARNER: Well, intent language that is used in legislation in appropriation bills are not binding on the agency. It is the vehicle that has been used for years to indicate a legislative suggestion on the utilization of funds. Normally what would happen if an agency used funds differently than the intent language, that automatically becomes an issue at the following budget cycle as to why the intent was not followed. But the intent language cannot override the substantive law and if the substantive law prohibits the use of the funds, nobody can do anything with that money because the appropriation bill cannot override...

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: One minute.

SENATOR WARNER: ...substantive law.

SENATOR SCHMIT: I believe I understand what you're saying, Senator, but it would seem to me that we could adopt the amendment if we do not have a vehicle that we can utilize at this time or during this session for the purpose of including the substantive language. We could then do that another year and in the meantime, as you say, it has no effect. On the other hand, it might be an indication of support from this body which we have never had in the past that we did want to address the issue and it would be something which very frankly, from my point of view I believe, would be preferable rather than to continue to go on a year by year basis. I would prefer to adopt