

renumber the sections accordingly.

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body, the motion to strike Section 11 is up there as a vehicle for discussion. If you recall, this bill was scheduled to be read a couple of days ago. There are two issues in here that have been somewhat divisive. One of them is the repair of the Pharmacy College at the Med Center. The other is the SSIG program and the apparent creation of a new program in this bill. We were scheduled to read this bill the other day. Just as we were debating the first part of the controversial portion, the Pharmacy School, an Attorney General's Opinion arrived which brought into question the constitutionality of Section 11 of this bill. Because we've not had an opportunity to digest the opinion, at that time I filed a motion to bracket the bill. The bill was bracketed. It's coming back today. What I'm going to do is give my impression of how I read the Attorney General's Opinion, would allow other individuals if they choose to, to either concur or differ with my interpretation and then hopefully we can go ahead with no further adieu on this particular section because, as I indicated when we discussed my concerns the other day, that we're having some fruitful discussion on this whole issue of the student assistance, postsecondary student assistance programs in our state and I don't want to do anything to damage the possibility of resolving those. At the same time we don't want to pass something that has constitutional questions. But in reading the Attorney...first of all, what Section 11 does is that it takes some of the money that was appropriated last year as overmatch for the SSIG program, reappropriates that to Program 298, scholarship assistance program. The problem as I saw and the question I asked the Attorney General, that there has been no substantive legislation passed to date creating the scholarship assistance program and I asked, can the Legislature appropriate money to a program that does not exist? In the opinion, the Attorney General appears to try to distinguish between the concept program, as I understand it as a member of the body that votes on substantive legislation, I understand that term to mean something by which substantive legislation has been passed and the body has voted in statute to create a program. Maybe you'd say program with a capital "P". But Senator Scofield and Senator Warner have talked about, on the floor, a different interpretation of the word program, and I'll use the word