

program with a small "p", here in this case, to mean a budgetary convenience, a way in which for accounting purposes we set money into differing accounts. The Attorney General makes note of that difference, but then goes on and apparently is assuming that what 812 is doing is creating a program with a capital "P", attempting to create something that does not currently exist in statute. And if it did that, the Attorney General seems to be concluding that that would, in fact, be unconstitutional. I guess my conclusion of this is there are two things that are important. Number one is, what is our legislative intent? And from what I've heard from both Senator Warner and Senator Scofield that the legislative intent is clear, that by establishing Program 298 here, we're doing a budgetary, an accounting convenience as opposed to establishing substantive law, so that's one key factor. The second key factor, probably the most important is, you know, what do the people that are administering this program do? We just pass legislation. The people who administer it are probably the ones that are going to make it a constitutional or unconstitutional application. So if LB 812 is the only thing that passes this session and no substantive legislation passes creating a statutory program, and the Coordinating Commission is charged with the responsibility of carrying this out, treats Program 298 as merely a budgetary convenience for (inaudible) dollars, and as I understand the reason for this is the federal maintenance of effort concern of Senator Warner's and the Appropriations Committee, then the problem, I don't see any real problem with it. I may differ with them on the coconcept of maintenance of effort and whether it's a good idea or a bad idea. Given that differences of opinion, I think the Legislature can probably create that program with the small "p". If, on the other hand, the Coordinating Commission seeks then to impose new rules and regulations, new formulas for distribution of this Program 298, I would think in that case they probably would be acting in an unconstitutional fashion because no particular statute passed. Now that's my understanding and my understanding is, given the clear legislative intent that I've heard so far on what the reason for establishing Program 298 in Section 11, and given the feeling that the Coordinating Commission will probably be out of bounds if they were to attempt to do anything beyond what current statute allows, merely looking...if they were to look, merely look at 812 to give them their rationale for doing something different, I guess I see no problem with the passage of Section 11 in this bill. I'd be interested in hearing what Senator Warner and some other people, how they read the Attorney