

lawsuit, in addition to harming somebody greatly by that timber falling on their head or damaging some other part of their body. So we either have to make a decision on that Open Air Auditorium. They'll probably either tear it down, if we don't provide this additional funding for it, and there will be costs involved in tearing that structure down. So that is essentially what that money is going to be used for, promenade deck around the Capitol, Devaney Sports Center roof replacement, as well as roof replacement for the Open Air Auditorium. As I said, there's tens of millions of dollars of additional requests for those three areas, but the money is tight this year. In years past there's been up to five or six million dollars per year spent on these types of structures. And some things just have to be fixed. The Capitol has to be fixed, Devaney Sports Center has to be fixed, as well as the Open Air Auditorium. I'd be happy to answer any questions members may have.

**PRESIDENT MOUL:** Thank you, Senator Abboud. Senator Moore, followed by Senator Nelson.

**SENATOR MOORE:** Well, Madam President, once again I rise to oppose this amendment. The 309 money is one of those things that it took me a few years of work around here to figure out what exactly it was. And I urge any member of the body that doesn't totally understand how that works, to find out, because indeed it is a very worthwhile program. I know the supposed father of the 309 Task Force was down in front of the Appropriations Committee, a constituent of Senator Cudaback, did a very fine job of explaining the merits of this proposal. Nevertheless, this is just another one of those examples of what goes up must come down. And, if you appropriate the money here, it has to come out of somewhere. Arguably, it is indeed frustrating, the 309 has been kind of a boom and bust type program. During good years we've appropriated some greater amounts to this program. The last biennium, I think the fiscal year we're in right now, the Legislature appropriated \$5 million to this program. Obviously, in the committee recommendation, it's down to \$2 million. This is one of those things, obviously, that since it's not dedicated to a specific source, you're not directly cutting a program out when you don't fund it. But, obviously, if you do not fund it at a \$5 million level, the 309 can do less of the things that are needed. And, granted, as Senator Abboud already mentioned, those things are needed. But it's just one of those things, where are you going to find the money to do it. Arguably, you know, one can argue