

May 31, 1991

LB 849
LR 24

amendment, including the Hall amendment, we wouldn't appropriate a penny for depositors. We would be appropriating money for the purposes stated in LB 849, half to education, half to a special fund right now. We would have to come in and make the decision to reimburse the depositors. So if you're in favor of reimbursing the depositors, this gives you a window. If you're not in favor of reimbursing the depositors, you don't have to. You can come in and you can fight that legislation on that date. This simply allows us latitude with lottery monies. For that reason, I would oppose the Smith amendment at this time.

SENATOR LANDIS: Thank you, Senator Will. Senator Withem's light has come on and if that remains the last one, we will have Senator Smith to close. No, Senator Robinson's light has come on. So it's Senator Withem, followed by Senator Robinson and whomever else turns their lights on.

SENATOR WITHEM: I have a question for Senator Hall, Senator Will, or whoever, and I apologize to both of you the system of processing legislation while we're trying to sneak away and grab some food and all, makes a repetitive argument sometimes necessary.

SENATOR LANDIS: Senator Hall, would you yield?

SENATOR WITHEM: I have a concern, Senator Hall, as I am trying frantically to correlate the language in LB 849 which you and I, I think, co-authored an amendment dealing with where the money would go from the lottery and here it is of the money remaining after payment of prizes and operating expenses, 50 percent of such money shall be transferred to the education innovation fund and 50 percent of such money shall be transferred to the legislative assistance fund to be used as provided in subsection 4 of this section. And then it goes on to talk about money shall not be used to finance programs which require more than a one-time expenditure. When I read the language of the constitutional amendment it says the Legislature may annually appropriate, which implies to me we have to come in once a year to do it, and it says no appropriation from the lottery account shall be made in excess of the amount in the lottery account and the Legislature may not appropriate or pledge any funds from the lottery account in any future year. I put an amendment up there to strike the word "annually" and I don't know if that will take care of my concern or not, but I'm wondering, with this constitutional language, will that forbid us, in your opinion,