

May 31, 1991

LB 849
LR 24

from doing what we had adopted to LB 849 in AM1071 or 1570 on May 7th.

SENATOR LANDIS: Senator Hall.

SENATOR HALL: Thank you, Mr. Speaker, and members. Senator Withem, in response to your question, I don't think the two are mutually exclusive. If you look at line 14 and 15 of the...on page 2 of the constitutional amendment where it reads the state lottery...it's modified, I guess it starts back on line 11, the Legislature may annually appropriate an amount from the lottery account for purposes of establishing, promoting and maintaining the state lottery and for any other purposes approved by a majority of the members of the Legislature, period. That amendment that has been adopted to, I guess, LB 849, was approved by a majority members of the Legislature to separate, segregate those two funds. The ability is always there as it is with any section of statute for the Legislature to come back and strike that but it would not be my intent to change the way that LB 849 currently reads. And I think that you can...with the constitutional amendment the way it reads, that a majority of members of the Legislature have the ability to put in statute the segregation of those two funds as we did on General File and I don't think it runs afoul of this constitutional amendment.

SENATOR WITHEM: Okay, let me just...my concern, and I'm operating on a fast track here, but my concern might be that a future legislator who wished to make an appropriation to a worthy project someplace to buy a railroad might come in and if I were on the floor of the Legislature say, no, you can't do that, the money has to do into this education innovation fund, half of it needs to go into that, might they not come back and use this language here to say that, no, that that statute is unconstitutional and that they would be able then to ignore this statute. I understand your argument that at any time 25 members of the future Legislature can change with a vote...a signature of the Governor, can change what we have here in LB 849...

SENATOR HALL: Can I...

SENATOR WITHEM: ...at this point.

SENATOR HALL: Senator Withem,...

SENATOR WITHEM: Yeah.