

issue of are we, in fact, obligating future legislatures by the language of this amendment and what I'm planning to do will be to withdraw this amendment, try to get another amendment drafted that will not deal with the numbers but would deal with this issue of obligating future legislatures.

SENATOR WEHRBEIN: Okay. Thank you. And that's what I thought, it's a different philosophical viewpoint I assume that I will have and you will have and perhaps Senator McKenzie. I see this as an obligation that we created when we created the 20 cent incentive fund. Now it's three years ago, two years ago, that this is an ongoing obligation, and when we made the decision to entice companies to come here and receive a 20 cent incentive for every gallon that they produced, that with that came the responsibility as well as the obligation to pay that once they perform. And either they have performed or they're in the process of performing. We have said if you do such and such by the end of this year, December 31, 1995, you will be entitled to this. Therefore, I am comfortable with this at this point, that this should be more than just intent. I understand what Senator Withem is saying that one legislature can't bind another and I would concur with that in most cases. I consider this different than a criminal issue, the justice issue, other issues that Senator Bernard-Stevens raises examples. I see this as a contract that we have to honor and we can say that we have the intent and maybe perhaps mean that, perhaps future legislatures may not agree, but the point is we have an obligation via contract, and if these companies have performed, I think we have an obligation to provide that money. This mechanism, the way this amendment is written, does that. It transfers money out of the General Fund to the EPIC Fund which in turn reimburses motor vehicles, the Highway Trust Fund which is where all the money comes from. It's a complicated system, admittedly, it's one we started with several years ago, but it does make our interest, make the interest of the incentives that we have provided, the interest of the state and I think rightly so. It should be more than intent that we will fund what these companies have done. And so, therefore, I support in this case Senator McKenzie's amendment without amendment at this point.

SENATOR HALL: Thank you, Senator Wehrbein. Senator Wickersham, your light is next.

SENATOR WICKERSHAM: Thank you, Mr. President. I rise in opposition to the proposal by Senator Withem. I understand the