

successful. The case you are referring to, I believe, is State ex rel. Creighton University v. Smith, which is a 1984 case. I don't believe that that was the basis...the opinion, as I comprehend it, is that...is that the state can, in fact, can appropriate or earmark tax dollars for this type of a purpose as long as it is an open process. Now this bill is drafted so that it is an open process in a sense that it doesn't say this goes to Creighton University. It goes to a medical...any private institution having a medical school and doing cancer research. So if any other school in the state wanted to have a med school and do private cancer research, they also would be sharing in this...in these funds.

SENATOR SCHIMEK: But, in fact, haven't we changed the rules a bit because, in fact, it...the prior system allowed the medical school to compete with Creighton for those remaining funds, and this would no longer be true? Is that correct?

SENATOR LINDSAY: Right.

SPEAKER BAACK: One minute.

SENATOR LINDSAY: Just as Creighton could not compete for the Medical Center's funds. Right now...

SENATOR SCHIMEK: Right. But, in essence, you're earmarking half of this for Creighton, in essence, because there are no other institutions...

SENATOR LINDSAY: Effectively, yes.

SENATOR SCHIMEK: But the prior system was, even though Creighton got many of those funds, they had to compete with the Medical Center for those remaining funds, is that not correct?

SENATOR LINDSAY: That is correct.

SENATOR SCHIMEK: Okay, thank you.

SPEAKER BAACK: Thank you, Senator Schimek. Senator Preister.

SENATOR PREISTER: Thank you, Honorable President, friends all. I don't necessarily like singling out some segment of the population for a specific tax, and have some concerns about how much is already on cigarettes. However, when a third of the