

1 Now, what would one do conceivably in that
2 circumstance?

3 MR. SACHS: This formula process that protects
4 you in this limited but significant way that you described
5 doesn't protect you on these constitutional provisions, as
6 to its operation. That could happen. The legislature could
7 conduct the fiscal affairs of the Department of Education
8 that way, quite apart -- it may have originated because of
9 this constitutional provision, but it doesn't really depend
10 on it. The legislature could go ahead and do this, if it
11 sees fit, to make a special case out of education.

12 DR. SENSENBAUGH: I don't know about this, now.
13 I'm not a lawyer.

14 MR. BOND: You're better off.

15 DR. SENSENBAUGH: But it would be my opinion --

16 MR. SACHS: That is why we ask you for your
17 help.

18 DR. SENSENBAUGH: It would be my opinion that
19 they could not do that.

20 MR. SACHS: I have some doubts, but I believe
21 I am right and, offhand, I don't see why they couldn't.