

Appropriations Committee and try to get it back because I don't think we can get it and that is the problem. Right at the moment I oppose the amendment. If we can get it ironed out, I may change my mind.

SPEAKER MARVEL: Senator Stoney. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I am going to oppose the amendment and I am going to try to talk Vard into opposing it too here. I think he has stumbled onto something that maybe he doesn't realize completely so I would like to ask a couple of questions, first of all, give a little information. A few years ago those members of the Legislature that are here will remember that I got tired of paying parking tickets in Lincoln. I used to get lots of them and the parking ticket I think was two dollars, something like that. Now a nickel of it was fines they said and a dollar ninety, dollar ninety-five was court costs. There is a part in our Constitution that says all fines and penalties have to go to the school fund but, in fact, none of this two dollars was going to the school fund. It was 100% going to the City of Lincoln because they said, well these are court costs and I said, where is the court? Well there wasn't any court. Well I took the case all the way to the Nebraska Supreme Court and the ruling was given not too long ago, what, a year or so ago, some of you may remember. Lincoln was kind of panicked and Omaha was kind of panicked because this involved hundreds, well it involved more than that. It involved millions of dollars that they were collecting to use for the cities. They would come down and explain to me that I was really tinkering with things that were kind of serious as far as they were concerned but it involved something more vital. It involved the judges' retirement fund because the judges' retirement fund was passed back in the days when they wanted to get a retirement system set up but nobody wanted to appropriate the money so they just added a dollar on court costs and that automatically went in there. So if the Supreme Court were to have found that court costs were part of the fine or penalty and my argument was, look, if you are paying two dollars on a parking ticket that is a penalty and it is doggone obviously a penalty when a dollar ninety-five cents of it is supposedly one thing. That is the real penalty, not the nickel. It is the dollar ninety-five that is the hurt. I would gladly give a nickel. Well the Supreme Court found that indeed court costs were a legal separate entity from fines and penalties. Now what did that mean? That meant as long as you could call something court costs you were home free. Right? If you could say it was court costs. Now the Supreme Court was smart enough to realize that they were