

you have dropped a half million bucks and so I urge you to reconsider and take the amendment off and shove the bill forward like they had planned.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Well I guess I need some clarification from the Assistant Chief Justice as far as the constitutionality. Senator DeCamp, you indicated it is blatantly unconstitutional. Could you elaborate on the reason for that?

SENATOR DeCAMP: Because the Constitution says fines and penalties go to the school fund. It says court costs are collected for court costs and you are collecting it calling it court costs and you may ultimately take enough money out of the general fund that go to pay for the courts or anything else but, in fact, when you collect it, which is what we are caring about, when you collect it you are collecting it calling it court costs and putting it into the general fund the same as your sales and income tax money and there is no guarantee that you are going to use it for court costs or not.

SENATOR FOWLER: Okay, so what you are saying is money in the courts can only be used for court costs and if it is not used for court costs it should go to the school fund. Is that what you are saying?

SENATOR DeCAMP: Yes.

SENATOR FOWLER: How did we ever come up with the idea that a Law Enforcement Training Center is a court cost?

SENATOR DeCAMP: I already discussed this. I said I think we are on thin ground. I think if probably somebody challenged it the Supreme Court would be hard pressed to defend it but nobody has challenged it. It is raising money and I doubt that somebody is going to spend the money to do it.

SENATOR FOWLER: But it is as blatantly unconstitutional wouldn't you say?

SENATOR DeCAMP: No.

SENATOR FOWLER: How...?

SENATOR DeCAMP: Because it is put into a specific fund that they are calling court costs now and everybody has accepted. You are not doing that. You are just throwing it into the general fund.