

SENATOR DeCAMP: Mr. President and members of the Legislature, I am going to vote against the kill motion. I am going to vote to keep the bill alive but I want to be honest with you, it is a completely different reason. I happen to believe this bill brings to the forefront for the first time current violations that I have contended for about seven years here, even took a case to the Supreme Court on it on parking meter fines, where the fine is a nickel and the court costs are \$1.95, they used to have it, and then they said that wasn't part of the fine, the \$1.95, only the nickel was the penalty or fine. But anyway, let me give you a little history of how this all came about. Our Constitution, and, Howard, I agree with you, we do earmark cigarette tax funds. We earmark all kinds of thing. Forget the merits of it. Forget the wonderful things. Forget, if you can, the center itself and it is a good thing. It is one of the best things this Legislature has done since I have been here. Forget all those things and look at our Constitution, and I didn't write it, you guys didn't write it. It says, "Fines and penalties shall go into a certain fund." You can only do a certain thing with them. Quite a few years ago the reason this all came about was back when the state was kind of new, cities, counties were trying to find ways to raise funds. Some of them were trying to find money for their police departments. People didn't want to finance them. So city councils and different people started adding a dollar or whatever, fifty cents, on "the fine and the penalty in the court", and that went to support the police department. Somebody else had some problems with a library. They wanted a law library or something for the county so they added a quarter or fifty cents on for that. Somewhere along the line the people that framed the Constitution said this is getting out of hand. It is going to destroy the court system, and so they said, what we will do is make it real clear. All the fines and penalties have to go to this particular fund and they said the school fund, the reason they chose the school fund was because they said, look, if we do it that way, then there is no prejudice. You don't assess a fine or a penalty just because you are trying to raise money to pay a judge or just because you are trying to raise money. It is just for a general thing that everybody is involved in. A few years after that they carved a little hole in that that has been upheld by the Supreme Court and that little hole they carved in the fines and penalties provision went something like this. Court costs are not really court costs. Court costs are not really a fine or penalty. They are part of the administrative procedure of actually processing that in the courtroom. Since that time, a few years ago, the Legislature started adding a fifty cent here,