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PRESIDENT MAURSTAD: Senator Bromm.

SENATOR TYSON: ...why, Senator Bromm, could not...there is 50 percent of the money, which would be 50 percent of the 80 percent, or 40 percent, go to the drug agency in any event?

SENATOR BROMM: If the money is seized by the state law enforcement agency, Senator Tyson, then it should...it should be divided and, to my knowledge, I've not heard that it isn't divided, in the manner that you're suggesting. If it's seized, however, under the federal law and goes through the federal court process, then it goes through this step that I mentioned to you that it is given back to the state or local law enforcement agency under such terms and conditions as determined by the U.S. Attorney General. So there...there's a difference in that respect in who seizes it.

SENATOR TYSON: But, Senator, pardon me, Senator Bromm, it was mentioned by someone, and I don't know if it was Senator Brashear or Senator Chambers, that when the money that is seized go to the...goes through the federal process, believe it was Senator Chambers, 20 percent was retained by the federal government, 80 percent returned to the agency that had participated in the seizure. Let's say that's "X" County Sheriff's Department. Would not Article VII, Section 5, paragraph (2) dictate that they get 50 percent of that and the rest of it goes to education regardless, or 50 percent of the original if they went through the state process? You see, I mean there's a 10 percent breakage there.

SENATOR BROMM: Right. Right. And that...and, yes, if you...if you say that the forfeiture and seizure is occurring under state law, then you're absolutely right. But if it's occurring under federal law, the federal government can return it to us under such terms and conditions as they determine, and it may be for a specific purpose that they're returning it. Now, if it is, as you're suggesting, that it's relatively clear, then I ask why do we need to tamper with the law anymore? Why don't we just bring a lawsuit to require enforcement, if that's what it takes, or ask our Attorney General to require enforcement if...if, indeed, the law is clearly being violated?