

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

May 11, 1999

LB 44

point and in the proposal to advance the bill to Final Reading. In the first place, it's not necessary to advance this bill to Final Reading just to have an interim study. Have an interim study leaving the bill on Select File. No rationale there that makes any common sense at all. Secondly, this amendment is completely different than the bill. The bill deals with a separate criminal matter. The amendment brings up what really is a separate bill. It's a bill that's never had a pub...never introduced, never had a public hearing. It was sprung on this Legislature on Select File, and it needs a study, it needs an interim study, but we don't need to advance the bill to Final Reading to do it. Thirdly, the amendment is legally insufficient and unenforceable. It attempts to pass a bill in this Legislature which tells the federal government what they have to do with funds that are subject to federal law. It would be as if we were to try and pass a bill in this Legislature that all of the money the federal government collected on income tax had to be spent in a certain way. This Legislature has no authority to change federal law. And even if we were to pass a constitutional amendment that says all federal income tax collected in Nebraska had to be spent on Nebraska schools, certainly that wouldn't be binding on the federal government. So what this amendment attempts to do is completely ridiculous. And to attach this amendment to a meritorious bill and then advance it to the final step during our legislative process, without a public hearing, is certainly violative of all of our...all of our procedures. Now, the practical effect of this amendment would be to say that the funds resulting from the federal seizure and forfeiture of property used in the drug trade, would cease completely in going to Nebraska law enforcement, because, and I've seen...I've seen the federal regulations, and the federal regulations require that any funds resulting from such a forfeiture go to law enforcement. It is impermissible, not permitted, under federal regulations, to divert any of these federal funds to schools, no matter how much we would like to do it. No matter what our state constitution says, this is subject to federal law. I think it is an unwise decision by this body to work out any kind of deal not to pass this bill or this amendment just to put it off for another year. I think what this body ought to do first of all is defeat this amendment and then act on the bill itself. I will vote against the amendment.