

Vrtiska.

SENATOR VRTISKA: Madam President and members of the body, I'd like to ask Senator Kristensen to yield to a question.

SENATOR KRISTENSEN: Yes.

SENATOR VRTISKA: In looking at this and you're dealing with this one item in drug offender's law, what about all the rest of these? What...if, in fact, the state can opt out of not following through on the regulation set out by the feds on this, what about all these other rules?

SENATOR KRISTENSEN: Senator Vrtiska, at the risk of not being too belligerent to our federal government, they finally have come up with a conscience. I think the legal reason that this is the first one and the only one so far that we've had a chance to opt out is because of the penalty itself. There is a Supreme Court ruling in the State of Illinois where a law similar to this was thrown out because the penalty had no relationship to the offense. In other words, there was...if I possessed marijuana that had the penalty of taking my driver's license had no relationship to it, I think the federal government thought, and they knew this case was out there and they're worried that if they mandated this that there were going to be courts perhaps around the country would rule this unconstitutional and thus they put states in a very precarious situation of having an unconstitutional law that they had to enforce to get federal funds. So I think what they did is said, look, states, if you don't want to gamble and take a risk that your court may throw that out, this is one of those times and plus the states have lobbied successfully to put some of this in through some of their national organizations and I, you know, it's the first crack in the dam, if you will, for states finally taking over some of their own destiny and I think it's because of that Supreme Court ruling in the State of Illinois, plus the lobbying effort of the state national organizations.

SENATOR VRTISKA: Thank you. Obviously I'd be foolish not to support this kind of legislation, but I was just curious about some of the penalties in some of the other areas that we have passed laws, for example, on speed limits and air compliance and some of these other things and I wondered why they weren't, in fact, subject to state's approval the same as this. But what you're saying, I guess, is that because there is no relationship