

could be doing the job. These people said to me, if the law is not passed and that case is...in other words it's declared unconstitutional, if the ordinance is declared unconstitutional, then we would have a period of time in a year or more where these people would have no law on them at all. And that is what their biggest concern is. Now I'd like to ask Senator Chambers, if he would tell me, discuss that part of it, if you would, Ernie, about the ordinance versus passing a piece of legislation now, based on what if the ordinance is declared unconstitutional.

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Well, Senator Smith and members of the Legislature, the ordinance imposes a sentence that is harsher than that contained in state law. And ordinances are not allowed to do that. So what the people are telling you is that, if the ordinance were challenged in court and struck down and there were no state law, they could not put these jail sentences on the women. And that is correct.

SENATOR SMITH: Could they continue to prosecute at all? I mean they could do nothing, is that what you're saying?

SENATOR CHAMBERS: Oh, they could continue to arrest them, as they are doing now. As Senator Lindsay pointed out, they give them a citation under state law, and the fine, Senator Lindsay said, is \$100. So the amount is not what I would quibble about at all. They...if the state law were the only thing in place then the citation would be issued, and that would be it until they went to court. And when they went to court the judge would impose a punishment, whatever he or she thought would be appropriate.

SENATOR SMITH: What if then, on the other side, we did not pass this law and the ordinance was determined to be unconstitutional? Tell me exactly what they can do then without a state law, if the ordinance was determined to be unconstitutional?

SENATOR CHAMBERS: Senator Smith, because Senator Lindsay has worked with this, I would invite him to, so that we can keep the facts straight...

SENATOR SMITH: (inaudible).