

waives closing and the question is the adoption of the committee amendments to LB 1003. All in favor vote aye, opposed nay. On the adoption of the committee amendments, have you all voted? Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of the committee amendments.

SPEAKER BARRETT: Committee amendments are adopted. To the bill, Senator Elmer.

SENATOR ELMER: Thank you, Mr. Speaker. This bill is really very simple. What it says is that if an individual is prosecuted under... on a criminal matter, it has nothing to do with civil things like divorces or child care or any of those kinds of things, unless it's a criminal matter and the Supreme Court finds that the rule or regulation, ordinance, or law under which this individual has been prosecuted is unconstitutional, then the person who has had to defend himself against this unconstitutional regulation or law may apply to the Supreme Court to pay his defense. Now, as time passes and as we sat on the Natural Resources Committee and the Ag Committee and the various committees we are finding that the federal government is requiring higher and higher fines and more and more regulations, and some of them have become criminal in the area of the environment. And if a small businessman, for example, finds himself being prosecuted for 10 or 20 thousand dollars which is in a criminal area, he defends himself to the Supreme Court and finds that the rules and the regulations under which he's been prosecuted are unconstitutional and this... and the individual has spent most of his resources in order to defend himself, this would allow him some way to recover for being aggrieved unnecessarily by an irresponsible government putting into effect unconstitutional rules, regulations and laws. That's basically what it is, and I'd ask your support in advancement of the bill. I would yield the remainder of my time to Senator Lindsay.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Thank you, Senator Elmer. Thank you, Mr. President. This bill is designed to just correct I think what is a fundamental unfairness in the system, and that is that if an individual is prosecuted, that's the threat of jail time, losing your liberty, or paying a fine to the state, and that prosecution is based on an unconstitutional bill or an