

trying to do here is to, as Senator Landis suggests, reimburse the costs and even the attorney fees in cases where we have passed legislation that could...that is or could be, in the Venditte example, patently unconstitutional, and we want to make sure that we, as a body, are careful and watchful of passing legislation like that and I agree with that. But I think this statute possibly goes further than that. It does, as far as I can tell, deal with all sorts of regulatory agencies, as Senator Warner brings out, and rules and regulations, licensing laws, that kind of thing that could call for a criminal prosecution, for example, violations of electrical codes in a municipality. There can be criminal prosecutions by the city attorney in Omaha for not having the right kind of electrical code adherence, and that can be a criminal penalty, and the Supreme Court could subsequently find that particular rule or regulation unconstitutional in the normal course and that happens a lot. It can happen where the Supreme Court could find that there was something about that ordinance, or about that rule and regulation that was a violation of due process or some kind of equal protection, or whatever it might be and I understand that that happens. I wonder if we really want to go that far here, and I would suggest that, at this point, I'm concerned. I'm going to listen to more of the debate, but...and reserve my decision until I've heard more of the debate. But I think that I'd like to accomplish what Senator Landis is trying to do, but maybe this bill, as Senator Warner points out, goes further than is necessary. Thank you.

SPEAKER BAACK: Thank you, Senator Ashford. Further discussion? Senator Haberman. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, I wonder if Senator Owen Elmer would yield to a couple questions.

SPEAKER BAACK: Senator Elmer.

SENATOR ELMER: Certainly, Senator Haberman.

SENATOR HABERMAN: Senator Elmer, has there been any research as to how many rules and regulations are suspect of being unconstitutional?

SENATOR ELMER: Not to my knowledge, Senator Haberman. But perhaps this type of a statute would promote such a review, and I think could be in good cause.