

been prosecuted in the first place. Senator Ashford brings up a couple of ideas involving local ordinances, rules and regulations that might be unconstitutional. Certainly, that is a possibility for the locals. But the locals, too, should be responsible for bills or ordinances that they pass that don't pass constitutional muster. Frankly, I think the bulk of those ordinances are not going to make it up to the Supreme Court. We're talking in some of those minor rules and regulations that you're just not going to have an appeal that will go to the Supreme Court. Finally, and I think most importantly, what we're talking about here are those bills where we're talking about here on the floor, where we say, hey, this may be unconstitutional, but, what the heck, let's give it a try. Those types of bills, we're taking a gamble, and we know we're taking a gamble, and maybe we ought to be the ones that are going to foot the bill for that. In cases where it's a close call on a constitutional question, then the Supreme Court is going to take that into consideration and is not going to award that fee or maybe reduce that fee. Other concerns that we had on this, in committee last year, were the fact that it didn't provide for Supreme Court discretion. This bill, as it's written now, does provide for that discretion. I don't think we're going to see all these horrible results that we're talking about. I think what we are going to see is the result that is intended by the bill, that result being that people have something to look back against, or to proceed against in the situation where they are, completely outside of their own control, prosecuted under a bill that is unconstitutional. Thanks.

SPEAKER BAACK: Thank you, Senator Lindsay. Further discussion. Senator Elmer.

SENATOR ELMER: Thank you, Mr. Speaker. I certainly appreciate all of the debate and the concern about this particular measure. I particularly am very pleased with Senator Landis's and Senator Kristensen's comments about requiring state government and local governments and their agencies, through their attorneys that prepare their ordinances, rules and regulations, to be very prudent, very prudent in drafting these types of ordinances and rules, under which our society lives, to be constitutional and fair to each individual. If we are responsible for an unconstitutional rule that we enforce through any of our government, then we should be accountable for that. And, Senator Pirsch, I wanted to have you know that, in my opening