

statement, I was talking about the last year's committee when they advanced it unanimously, not this year's committee, for the record. And, I thank Senator Warner for bringing up those concerns about past legislation. And, I would suggest, as I suggested to Senator Haberman, that this will allow some review of some of those rules and regulations that the state or the political subdivisions feel might be suspect. Thank you.

SPEAKER BAACK: Mr. Clerk, amendment on the desk.

CLERK: Mr. President, Senator Ashford would move to amend the bill. (Read Ashford amendment, FA1, as found on page 435 of the Legislative Journal.)

SPEAKER BAACK: Senator Ashford.

SENATOR ASHFORD: Thank you, Mr. Speaker. Just very briefly. I think a way to handle, at least, the problem that I have on the overbreadth of this particular statute is to simply limit the payment of costs and fees to those cases which involve a felony criminal penalty rather than a misdemeanor. I really do think, and I understand Senator Elmer's intent, and I think the intent is a valid one. But, on the other hand, I think we have to balance this off against the number of appeals that are...that do occur as a result of...or on the basis of constitutional objections to ordinances and rules and regulations. And I would suggest that there are quite a few of those, and that there may, on occasion, be findings, by our Supreme Court, and there are, and there have been, and there will be in the future, that a portion of those rules and regulations may be unconstitutional. I really think that in those particular cases the local subdivisions, the county boards, the city councils, the planning boards, whomever they may be, and in state government the agencies who are responsible for providing regulatory, well, who have regulatory functions of state government performed, are not sitting there intentionally writing unconst...or even negligently writing ordinances and rules and regulations that are unconstitutional, though certainly some of those rules and regulations may later be determined to be unconstitutional. I think what we're trying to get at, by this statute, or at least what I would be supportive of is in major criminal prosecutions or in felony criminal prosecutions, where there is a finding of unconstitutionality by the Supreme Court and then a determination that the fees and costs should be awarded, I think there is a difference between those kinds of cases and the