

make use of that little extra in the tank to get on up here before the discussion was terminated. Senator Beutler, I can understand why you're presenting this to us, because you had stated it's a last opportunity to do something with this bill, and the only other thing that could be done is what you're suggesting, and that's to delete the cities from the scope of this bill. The reason I gave the examples is for this purpose, it doesn't cost you any less because the charge is brought under a city ordinance. Sometimes it might take more research to deal with one of those things than it does with a state statute, because many statutes come from model acts. There will be court decisions and other states on similar and sometimes the identical statute, so the research is not that difficult. A lot of these ordinances are hatched out of the individual head of the individual sitting on the city council, and they might have an example in their town of young people driving a car in a certain way that they don't like, so they will direct an ordinance at those specific young people with no regard for the constitutionality, because they just want to hound somebody and give the police a basis for doing it. Very recently in Omaha there was a statute, it either dealt with loitering or vagrancy, and it was struck down as unconstitutional, and the police had been using it to harass every manner of person. If there were people downtown outside a store, and the store owner didn't like it, they called the police and the police, being the water carrier and adjunct to the store owner, would come and arrest this person and charge them under the unconstitutional ordinance. Somebody was able to have the matter appealed, and I believe it was a federal court that struck it down as unconstitutional. So, what the police and the prosecutor said, well, if that one won't work, we have another similar one, another catch-all ordinance whose constitutionality they're not concerned about. They want to be able to hound and harass citizens and this should not be done. We, as the Legislature, have the ultimate legislative authority in this state, and our job is to make sure that any...

SPEAKER BAACK: One minute.

SENATOR CHAMBERS: ...instrumentality, those that are called political subdivisions are very careful and cautious about making conduct of citizens criminal. One judge said, in talking against one of these loitering or vagrancy ordinances, that a citizen of this country has the right to be left alone. That person has the right to walk down the street, to look, to