

interests because they are home rule type charters rather than like the rest of the towns and villages across the state. This bill was on Select File once before and we rolled over it, giving the Omaha and Lincoln people a chance to review and make amendments. The amendment we now look at has been approved by Omaha and Lincoln, the municipalities and everyone concerned and strikes all the original sections and puts in, as the amendment, all of the amendments including, all the amendments made on General File and also these that Lincoln and Omaha wanted. It still accomplishes what we want in that someone prosecuted under criminal action, if found to be...and the statute or law under which they have been prosecuted is found to be unconstitutional, they may apply to the Supreme Court for their defense charges with certain exceptions. These exceptions that are noted I think are fair and protect the individuals that would have enacted ordinances or laws under state statutes and so forth. I think that this is in a form that we all want and I'd ask your adoption of the amendment.

SPEAKER BAACK: Is there discussion of the amendment? Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Senator Elmer, would you yield to a question?

SPEAKER BAACK: Senator Elmer.

SENATOR ELMER: Certainly.

SENATOR BERNARD-STEVENS: Owen, I was coming down so I may have missed the gist of the amendment and for that I apologize. I'm looking at it on page 618. In essence what...if I read it quickly, I think what it is telling me, and that's what I want you to clarify, are you basically exempting municipalities, subdivisions and so on, so if they make something that is unconstitutional, the defendant doesn't have any protection and will not receive any payment by the defendant if it goes to the Supreme Court? Is that correct? In other words, they are excluded?

SENATOR ELMER: No, they are not excluded entirely. If you remember the discussions that we had on General File, that the only change this amendment does, it says that if a city is defending or is prosecuting under the powers which have given them, how do you best say this, have given them some power in