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the area of health regulations, in zoning or in subdividing itself, then the individual couldn't recover in those circumstances. However, if they have passed an ordinance that is clearly violating a constitutional right and is found so, then they would be liable.

SENATOR BERNARD-STEVENS: So, Senator Elmer, give me an example of when a municipality may, in fact, pass an ordinance that the defendant could actually go to the Supreme Court and collect after the decision is rendered that it was unconstitutional.

SENATOR ELMER: I'm not sure what kind of an example to use, Senator Bernard-Stevens, but...

SENATOR BERNARD-STEVENS: Well, I guess I'm just a little bit slow this morning. You're saying they're kind of exempt, but they're not kind of exempt, and I was just trying to get a clearer picture before I vote on this on what actually is exempt and what actually, give me some actual ideas of parameters of what wouldn't be exempt.

SENATOR ELMER: Well, for example, the city has some ordinances revolving around the health of its citizens. That wouldn't be one that they could collect on...(interruption)

SENATOR BERNARD-STEVENS: And why wouldn't that...

SENATOR ELMER: And one where they passed a zoning ordinance...

SENATOR BERNARD-STEVENS: Okay.

SENATOR ELMER: ...that's not one.

SENATOR BERNARD-STEVENS: Okay.

SENATOR ELMER: If they had subdivided the city or made an annexation or something like that, that would not be. It would be if they went beyond a criminal statute and made an additional penalty that the state law did not cover that was later to be found unconstitutional. And the other thing that it does here, of course, it makes it so that it only can be applied for and collected on cases that are tried in the future.

SENATOR BERNARD-STEVENS: Senator Elmer, just another question, if you would please. Is there any idea of how many cases we