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SENATOR BERNARD-STEVENS: ...go on certain cases, and I'll speak on it at another time.

SPEAKER BAACK: Senator Bernard-Stevens, yours is the next light on it. Do you want to go ahead and continue right now?

SENATOR BERNARD-STEVENS: Yes, I do. Members of the body, I think I would like at least to have the body consider this in a more philosophical vein if we could for a couple of minutes and that would be simply the following. If we're going to say that defendants have laws that are unconsti...that we pass laws that are unconstitutional, obviously that is not the intent when we pass them, but sometimes I think it is. Sometimes I think we deliberately pass things unconstitutionally to make a point. Okay? I can think of many cases on certain issues that we deliberately pass something knowing it may be controversy, or unconstitutional, and we, number one, want to make a point or, number two, we just want to please some constituency. And I think what Senator Elmer is trying to do is to try to say, wait, there should be some balance here. The Legislature should be more frugal in the way that we vote so that we don't pass things unconstitutional because a defendant may, in fact, be able to collect at some point and it's unfair to the defendant that they go through what we, the body, have done. And in some type of, I guess, unusual way of interpreting it, I feel uncomfortable with that. And the way I feel uncomfortable is I think we're making it easier on ourselves to pass unconstitutional legislation. I think we're making it easier because now we know that if we pass something that is not quite right and we're trying to please a particular constituency, a particular group, and my, aren't we good on what we did, that it's okay because if the defendant really does have some damages, it will be okay because we can now pay him at the end and we'll feel good about that and he won't have to...he or she will not have to worry because they can collect damages. And, in fact, Senators, I think it's more difficult for the Legislature to take the road that we now are without the bill, and that road would be if we pass something that is wrong, it's unconstitutional, that people really do have to suffer for that. People really do have to have some pain and suffering because of what we have done here. And to me, philosophically, all we're doing is keeping everything status quo but making it easier on us for us to do such. And I'm not quite sure where I stand on that, if I'm comfortable with that or not. I understand the intention. On the other hand, I don't want to sit here and say, gee, if we do something bad to an