

individual we shouldn't have to pay some type of damage. But at some point I think we have to take some responsibility for what we do and on the floor we need to understand if you're going to pass something that is unconstitutional that could be harassment, that is simply pleasing an interest group without any regard to anything else, that we have to take the ultimate responsibility. And I suspect there are ways that defendants can, if the law has been deemed unconstitutional, through the courts receive damages. So I'm not really quite sure how I'm going. I think I'm going to vote against this bill at this particular time. Though I agree with the concept, I don't agree with what the end result will be and I have no idea what it is going to cost. I have no idea of the number of cases and I don't like the fact that we exclude certain things municipalities will do simply because municipalities don't want to be liable. I don't want to be liable for things we do here either, but sometimes you have to take responsibility. And I think the cities and municipalities and subdivisions have to take the same responsibility of leadership that everyone else does in our representative system and that is, if you do something that is unconstitutional, you're going to have to pay for that as a body, but you don't wipe it under the table and say, gosh, I'm sorry, here's some money. That doesn't add any sense of responsibility to the body. Thank you.

SPEAKER BAACK: Thank you, Senator Bernard-Stevens. We do have an amendment to the amendment. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to amend Senator Elmer's amendment by striking subsection (3) thereof. (Chambers amendment appears on page 626 of the Legislative Journal.)

SPEAKER BAACK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, we discussed this bill a few days ago and I made a point specifically with reference to the City of Omaha and the contempt that they have for the law, how that even if a proposition is found to be unconstitutional, they will stick with it. Then as the fates would have it, those dumb bunnies did exactly what I said. Now I wasn't making a prediction, I was speaking in general terms based on their track record, and if you're going to bet on a horse or a football team, you bet based on what their past performance had been. So I knew they