

asked of the Supreme Court and in their own discretion they can decide whether to pay him anything or to allow for his compensation for his legal costs. The amendment as it now stands would become the bill and it would say any person who is prosecuted under any statute or ordinance other than an ordinance enacted under the health, zoning, or subdivision powers of a municipality which has a criminal penalty and which is found to be unconstitutional as applied to the person by a final order entered by the court of competent jurisdiction may apply to the Supreme Court for all reasonable and actual costs of defending himself or herself, including attorney's fees in any court and before any administrative body in proceedings related to such a prosecution. The Supreme Court shall determine an amount, if any, to be awarded under this section and shall enter an order for that amount, if any, against the state if a statute was found unconstitutional or against the political subdivision which enacted the ordinance if an ordinance was found unconstitutional. The costs awarded shall be collected in the same manner as a judgement against the state or political subdivision. This shall not apply in cases when the political subdivision enacting the ordinance has been required to do so in compliance with the state or federal law. And also this section shall only apply to cases in which the statute or ordinance is found unconstitutional after the effective date of this act. So this is only prospective and only would be allowed if the individual applied to the Supreme Court after a statute or an ordinance was found unconstitutional and then the Supreme Court in their own discretion can decide if...how much or if any compensation might be allowed to that individual for defending himself. And I'd ask for the adoption of this amendment.

SPEAKER BAACK: Thank you, Senator Elmer. Mr. Clerk, an amendment to the amendment.

CLERK: Mr. President, Senator Beutler would move to amend Senator Elmer's amendment. I have AM2528 in front of me, Senator. (Amendment appears on page 496 of the Legislative Journal.)

SPEAKER BAACK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, you may recall that we had quite a debate on this bill last year and the debate centered around the question of whether this body