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sort of thing that a Legislative Council would do, if we had a Legislative Council. So maybe that's another approach. It would be my intention certainly to pursue it further but I don't have any sense that the approach that is being taken today has any support, so with that I think I will reflect upon the matter further and withdraw the amendment.

SPEAKER BAACK: It is withdrawn. Anything further on the bill, Mr. Clerk?

CLERK: No, sir, we're back to Senator Elmer's amendment.

SPEAKER BAACK: Right. Any discussion on the amendment offered by Senator Elmer? Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Mr. President. Arguably, I suppose, the amendment now being offered by Senator Elmer is in better shape than the bill than was originally introduced, but I cannot see that the policy that is involved in the amendment is any better. I fail to see how we can make a distinction between paying defense costs in a criminal proceeding and how we could distinguish that from the costs that are incurred by plaintiffs in purely civil matters. You can spend as much time, you can spend as much money, you can spend as much sweat, you can spend as much agony in a civil matter as you can in a criminal matter and I see no reason to make this distinction. If we are going to have a policy in the State of Nebraska that simply says we pay successful litigants when the issue is unconstitutionality of a statute or an ordinance, I would be willing to consider that. But I think you can readily see how absurd that result is. Most of the time we have no clear idea whether an ordinance or a statute is unconstitutional. In addition, we may find ourselves in a situation where we pass a statute or an ordinance with the very best of intentions, believing that they are constitutional under the then current constitutional interpretation by the Supreme Court or other courts, find a few years later that there has been a change, either in the Constitution itself or simply in the court's interpretation. We would be constantly scrambling in an attempt to keep our statutes and laws current on a basis that is really quite impossible in order to avoid paying out these kinds of claims. I will oppose the amendment and I oppose the bill.

SPEAKER BAACK: Thank you, Senator Wickersham. Senator Beutler.