

them, they may decide that no damages are warranted or they may decide that certain damages are, were there any guesstimates at all about the range, maybe a low to a high range that the bill could in the future cost?

SENATOR ELMER: It's my understanding, Senator Bernard-Stevens, that only once in maybe five to ten years is a case thrown out because of constitutional questions. I believe that it would be very rare that a criminal prosecution brought by a city or a county or the state would be found unconstitutional on the criminal side. Unconstitutional questions...

SPEAKER BAACK: Time. Thank you, Senator Bernard-Stevens. Senator Beutler, you're next.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I just want to make one small point that hasn't been discussed, but I think it's a point that you will want to consider because the bill in its present form I think is flawed and will not give you the result that you want if the result that you want is a binding decision by the Nebraska courts as to the constitutionality or nonconstitutionality of a particular law. And what I want to bring to your attention is this language that says that the laws that we're talking about, the laws we're going to pay on are those that are entered by a final order, entered by a court of competent jurisdiction. Okay, so any time a court of competent jurisdiction enters an order and finds the law to be unconstitutional, we're going to pay. So you need to ask yourself, what is a court of competent jurisdiction that deals with criminal matters? Well, certainly the district courts all around this state, all 40 some of those judges deal with criminal matters and certainly with regard to minor criminal matters, I believe the county courts and the 40 some judges, the 40 some county judges or more around the state also deal with criminal laws that might be declared unconstitutional. Now what happens if a county court or a district court declares a law unconstitutional? And what happens also then if there is no appeal to the Court Of Appeals or no appeals from the Court of Appeals to the Nebraska Supreme Court? If there is no appeal to the court of appeals you just have a law by a local district judge that is not binding upon the citizens of the State of Nebraska outside that jurisdiction and you and I are going to pay on that particular judgement even though it never went to the Nebraska Supreme Court, even though it is not the law of the land. Same thing with county court. It might be declared, it