

might be that some misdemeanor that has a criminal penalty is declared to be unconstitutional by a county judge and in that instance, if it is not appealed to the Supreme Court or not appealed, it may be that we're paying in a situation where there has been no law declared. And so I think I would be interested in the response of the proponents as to why we should pay in those instances when the word of a county judge or the word of a district judge will not ultimately be the final decision and will not ultimately determine the law of the land in instances where it is not appealed. So it would seem to me that as a minimum there ought to be changes in the language of this bill that would preclude payment in those particular situations. Thank you.

SPEAKER BAACK: Thank you, Senator Beutler. Before I go to the next speaker, I would like to introduce a guest of the Legislature, as a guest of Senator Horgan, the former senator from the 4th District, Mayor of Omaha, P.J. Morgan. It's good to have you with us. Next speaker, Senator Schmit. I don't see Senator Schmit. We'll go to Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker. I do have a lot of questions too and along the line of Senator Bernard-Stevens on what kind of track record is there? What need is there for this? How often does it happen? Who does it happen to? And I'm thinking that many who are representing the defendant in a criminal case are either, a great many of them are pro bono or legal aid and, Senator Elmer, I'd like to ask you a question if you would yield.

SPEAKER BAACK: Senator Elmer, would you respond, please?

SENATOR ELMER: Certainly.

SENATOR PIRSCH: Senator Elmer, anyone who is appointed by the court as a defense counsel, whether they be pro bono or legal aid would still be entitled to this also, would they not?

SENATOR ELMER: The individual that is being prosecuted is the only person that could be compensated for money that he personally has spent.

SENATOR PIRSCH: Well then if this is pro bono work by an attorney or the legal aide, and this work was done for the defendant, then that would not be included in this bill, in this