

return that we would have to make?

SENATOR ELMER: Senator Pirsch, it's my understanding the only compensation that could be made is for actual costs incurred by the defendant himself.

SENATOR PIRSCH: Do you think this would discourage...well, I don't know if it would discourage appeals by the subdivisions if we are going to pay and they would not appeal. In other words if a local judge had ruled this unconstitutional.

SENATOR ELMER: Senator Pirsch, you know all of this discussion is well and good, but we are here to look after the interests of the people we represent and it seems to me that one of those things is to allow a way for individuals that are unjustly prosecuted by a law that is found to be unconstitutional purely at the discretion of the Supreme Court, to be reimbursed for those costs.

SENATOR PIRSCH: Thank you. I do agree that we do have to do that and that's why we have devised the system that the court appoints attorneys at no cost to the defendant. I just wanted to understand if this is going to be truly used in the way that we think it's...or the way that you think it's going to. Thank you.

SPEAKER BAACK: Thank you, Senator Pirsch. Senator Schmit, did you wish to address this?

SENATOR SCHMIT: Mr. President and members, I support the Owen Elmer amendment and I support what they're trying to do. I think it's all too easy sometimes for those of us in government to lose track of the fact that we in our enthusiasm to do good things oftentimes bring about a negative effect upon individuals. From time to time that effect can be more than just a nuisance, it can in fact be catastrophic and individuals have been destroyed by virtue of government action that was well intended. And it is always a source of concern to me that legislatures, Congress, in their wisdom, frequently do not properly research the results, the end result of the legislation which we introduce and sometimes causes great harm. I have a bill which is somewhat similar, but not the same thing which we'll be discussing later on which I hope will make it to the floor of the Legislature because I feel very deeply about any individual who has suffered financial loss through no fault of