

like to ask a few questions of either Senator Ashford or Senator Owen Elmer will be fine, I guess. Senator Elmer.

SPEAKER BAACK: Senator Elmer.

SENATOR HABERMAN: As I read it now, the only thing that is touched by this bill is legislation, is that correct?

SENATOR ELMER: Senator Haberman, that's correct, two types of legislation, legislation that we, as this body, would pass, or ordinances passed by municipalities.

SENATOR HABERMAN: Well, let's talk about...members of the Legislature, let's talk about legislation, and let's stop to think how many letters have we received, in the past few years, from the Attorney General's Office and the letter has stated, or the opinion has stated, this piece of legislation is constitutionally suspect? We have received so many of them, in my opinion, in my recollection, that we do not pay any attention to the Attorney General's Office when they make the statement, this is constitutionally suspect. So what we're doing here is we're opening up the door, in my opinion, for every Attorney General's Opinion where he says it is suspect as to the constitutionality of the bill. We are creating hundreds and hundreds of lawsuits, period. That's all there is to it. Someone is going to go through those opinions and pick out that legislation and file suits. Also, I think, Senator Owen Elmer, you said the ordinances, the cities, all cities? Cities of the first class, or just all cities? If an ordinance is passed by a city council, county board, and somebody says it's unconstitutional, then they can file a suit, is that correct?

SENATOR ELMER: There would be prosecution under way.

SENATOR HABERMAN: No, I mean, they can file a suit, though.

SENATOR ELMER: I don't think I follow, because...

SENATOR HABERMAN: I'm talking about county ordinances and city ordinances, those can go to court.

SENATOR ELMER: First, they would have to prosecute an individual under that ordinance or that statute from the state; and, secondly, they...that person would have to appeal, if he was found guilty, to the Supreme Court on the basis of