

CLERK: The amendment reads as follows: (Reread Hoagland amendment (1), page 379, Legislative Journal.)

SENATOR DeCAMP: Okay, those last four words, "shall not be challengeable in court on sufficiency 'or any other grounds'". Maybe I didn't go to as prestigious law school but I think I picked up a few things there and I can't imagine you putting into law something that says you can't challenge something in the court on any grounds whatsoever. so the ground management or the management plan, let's say if they know they have got that in the law, theoretically, and we are talking theory here because we don't know what is going to happen, theoretically they could put in things blatantly unconstitutional, taking of property or you name it, call that the management plan and according to this amendment you could not even challenge it in the court if supposedly it was unconstitutional. Now it doesn't worry me quite frankly because it is blatantly unconstitutional. It says "or any other grounds". Well, you will get your shot.

PRESIDENT: I will recognize you after...

SENATOR DeCAMP: I think maybe we are facing up to a specific danger here and that is a bill that they worked on a couple of years and that they spent the whole summer, Senator Kremer and Senator Schmit, who were in diametrically opposite positions in a number of areas, have now agreed. Schmit agreed to a moratorium which I thought the heavens would come down before he ever agreed to that, a number of other things. Kremer agreed to a number of things that I thought he would never, and now without ever seeing an amendment in the Journal, one after another, we are having whole new concepts saying you can't go to court on it now and I am sure Peter will explain that all the way and maybe he can, but listening to the way the amendment was read there and not having it to look at from a Journal and not having a chance to examine it otherwise, I think it is blatantly unconstitutional, and if it somehow might be defended as constitutional, I think it is unwise policy. So I would suggest if you are going to offer more amendments, maybe you ought to consider printing them in the Journal and at least letting us have a look at them and maybe taking them up on Select File or wherever where you would have to muster twenty-five votes for the ideas rather than trying to hope that somebody goes out of the room or to the bathroom and you can get a simple majority on something. I just think that if we are really going to...if you are as sincere about water as everybody claims, I mean everybody in here, then let's do it in kind of a halfway responsible fashion. Put the stuff so people