

SENATOR CLARK: Debate has ceased. Senator Hoagland, do you want to close? Senator Landis, alright.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I will close on the amendment to the resolution. First of all I would like to simply state that I hope that I am mistaken in interpreting Senator VonMinden's statement to mean that ADC mothers are not ipso facto Christians. I hope that that was merely a slip of the tongue. If not, I don't share in any way that same philosophy. Secondly, I want to talk about a point made by Senator Peterson that the Legislature somehow are lawbreakers because we have a constitutional principle that allows us the deferral of prosecutions until such time as the Legislature is over. In fact, we follow the law when we follow the Constitution and the Constitution creates an exception for this body. I do that as a matter of historical precedence because in the late 1800s executive officers who controlled county attorneys would arrest legislators so that they could affect the votes at the final times on the floor of the Legislature and that is where that constitutional principle came from. We do not ask the Legislature to not follow the law. In fact, we have a law that allows the deferral of prosecutions but, in fact, prosecutions occur. So it is not that we act on some basis other than on following the law because there is a constitutional principle to justify that. I oppose the Koch amendment and I support our replacement amendment for several reasons. First of all, the Koch amendment violates the separation of powers doctrine of our government and that is a principle that we loudly and bitterly complain against in the event that we feel that legislative prerogatives are being stepped on. What we are doing is coaching or kibitzing county attorneys and law enforcement officials into a selective enforcement pattern and that is a violation of a separation of powers I hope this body will not countenance. This is, in fact, countenancing winking at the law for a grace period of ninety days or a hundred and twenty days until the Legislature can act. We are interjecting the irrelevant consideration of what the Legislature is going to do in January into the prosecutions of people at this time and that is not a valid consideration in the carrying out of a prosecution. Guilt or innocence, the amount of proof, those are relevant considerations that a county attorney should take into account but not whether or not the Legislature is going to act on this particular issue. I am not against the idea of taking action on church and state politics. I will be one of forty people, if there are thirty-nine others who want to have a special session to resolve this by law so that in the event we want to suspend operations we can do that lawfully. We should not do it by the veiled message of LR 4, however. Finally, the message