

called pot hunters and others who intentionally dig up these burial sites for the purpose of obtaining whatever they can get that they can trade or sell off. And if somebody intentionally does that in the same way that certain things are forfeited when they are involved in selling of drugs, if you're letting these kind of people know that the equipment that they utilize for this purpose, somebody may have a backhoe, somebody may have whatever they're going to dig with that is a mechanical device, if they have used that to intentionally violate this act that equipment is forfeited. And I don't see any reason why this is...why this language should be taken out of the bill. So, Senator Goodrich's amendment would strike that language so that they could keep their equipment. My purpose is to amend Senator Goodrich's amendment so that this language stays in the bill. And if we keep the language in the bill it means the equipment used by somebody to intentionally violate this act would be forfeited, the court has it within its power to require that forfeiture.

SENATOR LANDIS: Senator Goodrich.

SENATOR GOODRICH: Yes. Senator Chambers, I am familiar with what you read on the page 8 there where it says "cause of action against any person alleged to have intentionally", and that is what gave me cause for concern. It's an uncertainty there by the use of those words, creates an uncertainty and consequently I'm saying I thought it prudent to leave the equipment used out of the bill, so there was at least no question on that issue.

SENATOR LANDIS: Thank you, Senator Goodrich. Next is the light of Senator Wesely. His is the last light. Senator Wesely, on the Chambers amendment to the Goodrich amendment.

SENATOR WESELY: Not on the Chambers amendment.

SENATOR LANDIS: In that case, we return to Senator Chambers for his closing on his amendment.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, you note throughout Section 10 it refers to the alleged violation, because until somebody is convicted it's only an allegation. But if Senator Goodrich will go down to line 22, it says "if the plaintiff prevails in an action brought pursuant to this section." So, Senator Goodrich, initially there is an allegation or a charge. Then there is a court action, and if