

from Mockingbird Elementary in the Ralston school system with their teacher. Would you people please stand and be recognized. Thank you, we're glad to have you with us. Also, the Chair is pleased to call to your attention some very special guests under the south balcony, participating in Delphi (sic) International's program of update on the U.S. economy. These are editors and writers that are visiting us this afternoon. As I introduce them to you I'm sorry if I don't pronounce the names correctly. (Introduced guests.) Senator Wesely, further discussion on the amendment. Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I will be very brief. For the same reasons given by Senator Schmit, I cannot support Senator Goodrich's amendment. What you have said by keeping his amendment intact is that if a person, one of these pot hunters, goes out with the intent to desecrate these graves, he can keep that equipment and do it another day. Remember, we're talking about a civil action here and the punishment is not that great. Whatever actual damages can be shown by the one bringing the cause of action, the bill is drafted so that any person can bring such a cause to show that a violation has occurred. But that person may not have suffered damage. The person...any citizen is put in a position, you don't even have to be a citizen. Any person has been put in a position to see that this law's intents are enforced. And we're talking about a civil action. If actual damages cannot be shown for the person who brings the action, the pot hunter gets off cheap. A cost of doing business is an actual damage which may not be anything, and if that which is obtained is worth more than that little bit of damage, we are encouraging them to stay in business. Let them know, those who would intentionally go out and rob these graves, that if they do so they can lose the equipment that they use in that process. Senator Goodrich's amendment wants to protect these people so that they can continue to keep their equipment. They may get caught today, they may go to trial and be found guilty, but they keep that equipment and they go out and work just a little harder next week to try to make up and recoup whatever it was they lost in actual damages. If they lost...if the person who brought the action suffered no monetary damage, then the pot hunter is home free. And I think that is an abrogation, I think it's contradictory to what the thrust of this bill is designed to achieve.

SPEAKER BARRETT: Thank you. Senator McFarland.