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SENATOR CUDABACK: Thank you, Senator Beutler. Senator Wickersham.

SENATOR WICKERSHAM: Mr. President, members of the body, I support Senator Schrock's amendment, but I hope you're aware that Senator Beutler's questions highlighted exactly the problem with this bill, and that is that this bill seeks to categorically restrict uses, at least as been brought to you before, without any regard to whether that use caused harm or not. Now that is a much different philosophy than what we have previously used to regulate activities, at least in my belief. We have regulated activities only when it was shown that they would have an impact or they were having an impact and we rightfully have provided regulations to protect water or to protect air under those circumstances. This bill, as it originally came to you, simply seeks to restrict a use because it is a use and because it is within some distance of a given stream. That is an entirely different approach, in my view, to state regulation of activities. That is the kind of restrictions that you see in local zoning laws, and those zoning laws are typically adopted for different purposes than what we have done at the state level. And I, when I first read this bill, I couldn't quite put my finger on what was troubling me. Several things were troubling me. One was the lack of definition in a couple of places and we've fixed that, but the other thing that is troubling me I believe is that we are about to make a policy choice without even quite understanding what kind of a policy choice we're making. We're about to make a policy choice just because we think it's appropriate to have cold water streams with trout in them, and we're not thinking about what the underlying policy decision is. And the underlying policy decision, from my standpoint, is that we will simply prohibit an activity because it exists someplace near a class A stream without having shown any impact or potential for impact on the class A stream. And we're only focusing on one specific kind of activity. There are other kinds of activities that might affect a class A stream. A power plant would because it would raise the temperature of the water potentially. A gas station would, if it had a leak into the stream. We would have all kinds of other activities that would potentially affect a class A stream. They are not prohibited in this bill. Now if