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FLOOR DEBATE

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been lost or destroyed through no fault of the appropriator, the lack of such compliance or of such map or plat shall not be the basis for a departmental adjudication or cancellation of the appropriation and the appropriation shall not be subject to legal challenge by any party on that basis. What I gather from this is that there can be a failure to comply with subsection (1) of this act, whatever that is; or there could be a map or plat, which is required by that subsection, which is missing, and it has been lost or destroyed through no fault of the appropriator. How is it to be determined that this loss was not the fault of the appropriator?

SENATOR SCHROCK: Be suggested to me maybe a sworn affidavit. I'm not sure, Senator Chambers.

SENATOR CHAMBERS: I'm not either, but maybe somebody could give consideration of that by the time we get there.

SENATOR SCHROCK: All right.

SENATOR CHAMBERS: This is a part of the first division, but again, I'm not going to offer or even suggest a substantive amendment until after it and the other parts have been attached to the bill. So I'm just calling your attention to it. It would seem to me that if there is a compliance that is mandated, but this section is going to excuse that compliance and, as a result, the person is no longer complying, whatever the problem that would be caused to that person as a result of noncompliance will go away when this bill is passed. The person is out of compliance, but if failing to be in compliance would ordinarily result in cancelation of the appropriation, that will not happen. There cannot even be a departmental adjudication relative to this issue. And even though the holder of the appropriation is out of compliance, that appropriation cannot be challenged by anybody. It's not subject to legal challenge, which to my understanding would mean you cannot go to court. Let's say that a person has a map or a plat that does not cover what is alleged to be covered with reference to this appropriation, and the holder of that appropriation and the map and...