

SENATOR CHAMBERS: So once this court would sign this agreement, nobody could challenge it, either directly, collaterally or any other way? There is no way to get it before the State Supreme Court then? Is that correct? Or into a federal court if somebody felt the constitutional right that the federal Constitution may bestow was being breached?

SENATOR BEUTLER: Senator Chambers, I don't think there is any way they can...it's always difficult to say that there is no way to get it into a court, as you well know. If you are arguing constitutional issues, there is probably some way to get it into the court if you're claiming state duplicity in the whole situation including the signing of the release. But I think that for purposes of normal appeal, and I'll double check this for you, probably they could not appeal.

SENATOR CHAMBERS: And now I need some...while Senator Beutler does that, Senator Landis, would you answer a question for me? It relates to language in the release itself. If you turn to page 3 of the amendment that you have in front of you, the first sentence above the indented language says, at line 5, over toward the end, starting with it, "It being specifically understood and agreed that this release is not conditioned upon any such appropriation being made, nor is it subject to any such appropriation being constitutionally and legally valid." What appropriation is being referred to in that sentence? In other words, is that the additional appropriation that the Director of Banking can seek no matter what or does it refer to the underlying appropriation that this release deals with, and if it is the underlying appropriation, it means that the people are giving up a right even without receiving anything in exchange for it? If the Legislature refuses to appropriate any money in accord with this, the people, having signed the release through whoever their representative will wind up being, have given up any and all rights that the release says that they have given up.

SENATOR LANDIS: Senator Chambers, I take that...the subject of that sentence to be the additional appropriation. I'm starting on page 2 to establish the topic sentence of that paragraph, it is specifically understood and agreed that this release shall not prejudice or prevent the Department of Banking as receiver from attempting to obtain an