

SENATOR CHAMBERS: Madam President and members of the Legislature, Senator Coordsen's amendment, if I recollect, provides, based on what Senator Bromm added to it, that notice would be given to residents and some others by first class mail. After considerable discussion and during that discussion, Senator Withem who is the primary sponsor of this bill, had said that he was willing to accept an amendment of this kind with the understanding that additional work would be done on it because in its present form it probably is not totally acceptable as accomplishing the purpose of notice, or something like that. The point I want to get to is the fact that there is to be considerable additional discussion of the notice provision. The reason I say considerable is because Senator Withem has already expressed an unwillingness to accept the idea of certified mail as a part of the notice procedure. I think that should be a minimum requirement. When I offered an amendment to reinstate the language about the certified mail notice requirement, that amendment was defeated rather handily, I think 14 votes for and 22 against. It is possible and sometimes desirable, as Senator Withem pointed out this morning, to resolve some of these issues off the floor by having those with an interest come together and see if they can reach an accord. On this particular proposition, they can do all the discussing off the floor that they choose, but if they come back with something that I think is not going to be a meaningful notice provision, I intend to fight it on the floor. So perhaps we should just fight this out and if Senator Withem, working with the people who want this bill, have made a determination that it's too onerous to require these big operations or the agency or combined agencies or subdivisions that want to placate and lure these big operations, if they feel it is too expensive for them to pay whatever the cost is to mail a notice by certified mail, then I'd say they were penny wise and pound foolish. If they're concerned about a legal challenge, that challenge probably would be more likely to be sustainable on the basis of meaningful notice being denied. The reason I want these things in the record, whether anybody on the floor follows or pays attention is of no consequence to me. I want to offer amendments. When those amendments are rejected, anybody wanting to challenge the constitutionality of this bill, if some of those provisions are implicated in such a challenge, will not only be able to establish that we discussed these provisions, but that the Legislature chose to keep them in place which means that they are an inducement to the passage of this bill. When such a provision is shown to be an inducement to the passage of a bill, it will not be severed, even if you have a