

a public record, in their view, perhaps left this advice open to discovery if a legal action would be filed against the department as a result of a rule or regulation that they had received advice on, and the advice perhaps was we feel there could be a takings here, and that advice was in their records, perhaps a lawsuit could result in discovery of that information and put them in a more untenable position to defend the suit. So they wanted the attorney-client relationship privilege language in the bill. They felt better about that. The Attorney General didn't really want it worded quite that way, so this was an effort to reach a compromise.

SENATOR BERNARD-STEVENS: Thank you, Senator Bromm. And with that, I want the body to know that there is going to be an alternative, and that's an amendment that I have filed that will come after Senator Bromm's. And since this is an amendment to an amendment, I cannot offer it at this time. But I come...I came to a different conclusion. And maybe when we get to the debate on the amendment I proposed, I'll see it from a different light. But at this particular point my amendment that will be following simply does the following, it's going to take away what Senator Bromm is going to try to do, whether we agree with it or not. And I probably will vote for the Bromm amendment simply because it makes better what the committee amendments...it's better than what the committee amendments were. But at that point I'm still going to, I suspect, oppose portions of it. The amendment I'm going to propose simply says that it will be public record, it will be public information. And it's for the exact same reasons to what Senator Bromm was talking about. It seems to me that if I'm concerned about a taking, and I'm concerned that maybe rules and regs have taken my land, and if all of a sudden the Attorney General has made an opinion to...and given it to the Governor, stating that in his opinion or her opinion it is in fact a taking, that that should be public information. How do we stand here and hide and say we're going to have the Attorney General, who basically, according to our own Attorney General his philosophy is he's the people's attorney for the State of Nebraska, how do we go ahead on one side and say we want him to look and see if there's any takings, and yet we're going to keep it secret from the public, we don't want them to know. In fact, we don't even, if it's going to go to a lawsuit, Senator Jones, I would think you would radically want to oppose Senator Bromm's amendment because Senator Bromm's amendment would say if you have a client or someone, a constituent and they go to court to find out whether