

Thank you, I see what your purpose is in your amendment. Senator Jones, is this amendment being offered by you, or this bill, to protect the public or to protect the state?

PRESIDENT ROBAK: Senator Jones.

SENATOR JONES: I would think it would protect the state more, that it might stop some court cases against the state.

SENATOR CHAMBERS: Well the mere fact that a case is brought against the state doesn't mean the state is hurt, so that doesn't make sense to me. What kind of lawsuit, what kind of court case will this bill prevent from being brought against the state?

SENATOR JONES: I don't think it would stop one being brought against the state, it's just the idea of it is that they could inform the agencies there is a possible taking here and could be one brought and maybe they would not do it then, see. That would be the only reason.

SENATOR CHAMBERS: So you don't really mean it when you say that if this were put into law it would prevent lawsuits or stop lawsuits from being brought.

SENATOR JONES: No.

SENATOR CHAMBERS: Is there a possibility that if you put something like this in the statute it would encourage more lawsuits to be brought?

SENATOR JONES: I sure hope not.

SENATOR CHAMBERS: Well if a person saw this in the statute and a rule or regulation were put in place which he or she did not like and would look at this and see that pursuant to this statute a review had to be undertaken by the Attorney General as to whether or not this constitutes a taking. Since that information is confidential, the landowner or the person bringing the suit has no way of knowing whether this constitutes a taking or not. But obviously since the Legislature put it in law, there is a belief that takings occur. So the only way the person could test it is to go to court. Isn't that right?

SENATOR JONES: Yes, you're right.