

got to go to court. This bill won't help any of that, I have to go to court. And a court then will by questions of fact, decide whether or not it is an illegal takings or not. Whether or not the Attorney General had an opinion or didn't have an opinion or what the administration's view was is relatively irrelevant. The question will be, did the rules and regs, in a court case, did the rules and regs violate the law and is it an illegal takings? But I think the information should be public and I think it's bad policy for the Legislature to say we want to set up a situation that may have an effect on the public and we want to keep it secret. We don't think they have the right to know. I think that's a bad policy. I think if the bill is going to pass it should pass in a manner that says it is open for public information and that's what the amendment does.

PRESIDENT ROBAK: Thank you, Senator. Senator Schimek, do you wish to speak to the Bernard-Stevens amendment?

SENATOR SCHIMEK: Yes, thank you, Madam President, members of the body, I rise in support of the Bernard-Stevens amendment for all the good reasons that he has just given. Again, I think that if this information is not made public, then we as a policy making body are never going to know why some of the laws that we have passed are not being implemented. In fact, we're never going to discover what the reasoning behind some of these nonimplementations are. And again, I think that this could have a chilling effect on agencies, this whole bill could, and the whole thing could get political. But beyond that I think that if we're going to have the bill, which incidentally I'm going to vote against, at least we ought to have this amendment that gives us this information in a public manner just as we get other Attorney General Opinions. Without it, we're never going to know what is being taken off the agenda and why it's being taken off the agenda. So I strongly urge you to support the Bernard-Stevens amendment. Thank you.

PRESIDENT ROBAK: Thank you, Senator. Senator Beutler.

SENATOR BEUTLER: Members of the Legislature, I think the Bernard-Stevens amendment would be very bad policy indeed. First of all, let me point out to you that it would treat the takings aspect of unconstitutionality different with respect to confidentiality from everything else the Attorney General is doing right now. When he is reviewing the constitution in all other respects that information is treated as privileged. And