

case. Presently, I think the bill needs more very serious discussion.

PRESIDENT ROBAK: One minute.

SENATOR BEUTLER: Thank you.

PRESIDENT ROBAK: Thank you, Senator Beutler. Senator Chambers, your light is next to speak to the Bernard-Stevens amendment.

SENATOR CHAMBERS: Madam President and members of the Legislature, I listened very carefully to what Senator Beutler said and what he says is plausible, but there is another side to the question. What is being attempted by Senator Jones' bill is to separate out this concept of taking from every other consideration that the Attorney General undertakes with reference to rules and regulations. So if it's being separated out from everything else and treated in a way different from everything else, then Senator Bernard-Stevens' amendment can be deemed appropriate because it will be dealt with differently from the way that everything else is being dealt with. I was trying to ask Senator Jones some questions which would get at this very idea of creating more lawsuits because there will be no way to determine what the Attorney General has decided and the conclusion could be drawn that the decision was against the rule or regulation. And as a matter of fact, this rule or regulation would constitute, in the opinion of the Attorney General, an unlawful taking in violation of the constitution. As Senator Beutler indicated, if the rule or regulation is required to be enacted pursuant to a statute, there is no choice other than to promulgate such rule and regulation. However, if there is a basis for somebody to believe that the rule or regulation is unconstitutional and the information cannot be obtained, a person could draw the conclusion that the information is being kept secret because it goes against the state, that not only is the rule or regulation unconstitutional, but the statute on which it is based is unconstitutional and there would be created an encouragement to file lawsuits which currently does not exist. But aside from the discussion of lawsuits, I just don't think this is good legislative policy. On Senator Bernard-Stevens' amendment, it does go toward making some kind of rational procedure. What Senator Bernard-Stevens' amendment simply says is that this determination by the Attorney General will be available to the public. And why should it not be? Is the state putting itself in a position to mislead the