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SPEAKER WITHEM: Senator Jones, on your amendment.

SENATOR JONES: Chairman and members of the body, this amendment would strike Section 2 and 3 of the green copy and insert a new Section 2 which would add a fourth requirement for the state agencies in the public hearing process of the process of rules and regulations. The new section would ask for analysis of potential taking of the property under the proposed rule and regulation and put a responsibility on the agent, up front, to see whether there's a taking. The agent would require...determine what property would affect and the estimate cost of the state having on the rules and regulations. The amendment would take the analysis out of the hands of the Attorney General and put it in the hands of the agency. Right now the Attorney General checks for statutory authority and constitutional of such rules and regulation. This would add one more thing the Attorney General to check, that's whether the agents comply with Section 84-907. And with that, Senator Wickersham was signed on with that, so I'd like to turn over the rest of my opening time to Senator Wickersham.

SPEAKER WITHEM: Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Mr. Speaker and Senator Jones. Before this amendment came up, Senator Witek came to me and she asked if this was an approach that was being adopted in any other state to the takings issue. I responded that I don't have any idea whether it's being used in any other state or not. I guess I'd have to tell the body frankly I don't care if it's being used in any other state. What I care about is whether it's something that I think makes sense for us to use in the State of Nebraska, and because I have signed onto the amendment I think it is, and I hope you will also. As Senator Jones indicated, it is a departure from the bill as you originally saw it, essentially residing, the issue of whether or not there's a taking, and what the taking might constitute, and how much it would cost in the analysis of the Attorney General. That could perhaps be done by the Attorney General, but I think the more appropriate place to have that analysis take place is with the agency. And certainly having that proceeding take place at the agency level provides for a public...an opportunity for public input, to have a public discussion, to have a public criticism, to have a public raising of concerns or questions concerning the