

to be confidential, to be treated as confidential between the Attorney General and the agency that's proposing the rule or regulation. And the amendment that is being proposed by Senators Jones and Wickersham would not change that. That process or that privileged communication tradition would stay in effect, as I understand it. Now having said that, we discussed as a practical matter how to approach this problem, and at least it appeared to me, after that discussion, that it would be more...we also had concerns and discussed this with the Assistant Attorney General about the public's perhaps need to know if there was a potential inverse condemnation, as the legal term might be, or potential taking of property as a result of the proposed regulation. After that discussion at least it occurred to me that we could perhaps satisfy some of the concerns of the senators on the floor when we previously discussed this bill, and I think Senator Bernard-Stevens had an amendment at that time to make this review and this communication entirely public. And Senator Chambers, I think, also expressed some support for that, and there was legitimate concern that if there is really a probable taking of property the public perhaps should now that. Well I think Senator Wickersham and Senator Jones approach takes that into account and asks the agency to review their proposed rule or regulation early on, early on with respect to whether or not it has a potential effect upon private property and the result might be a taking of property. I think that approach and that concept makes a lot of sense. If there is a potential taking, notice is given, there's a public hearing and there might...the result of that public hearing might be that there is no possible taking or potential taking, or it might be that there is a remote possibility or some possibility the result might be we don't know if this will have any effect or not. There are all kinds of results that could result from that hearing. The point is there would be a public hearing, there would be an opportunity for public input later then, after this hearing. When the Attorney General reviews the proposed regulation he simply has to take into account perhaps the information that was...

SENATOR CROSBY: One minute.

SENATOR BROMM: ...elicited at that hearing, he will take into account subsection (d) of 84-907, subsection (1) and determine whether or not the agency has complied with that requirement. Again, his communication then to the agency will be the same as it has been in the past, in a confidential form. So really this