

obligation, under statute, of determining that the statute is going to fall in the consti...the rule is constitutional. With that, if we're already put in process...if we've put in place, as we have in 1246, a requirement of an analysis of taking, then the Attorney General would already be...would already be required then to review to make sure that that analysis took place. So I think what it does, it cleans it up a little bit, prevents that duplicate review. And the second thing is that there's a question, I think, in the initial review as far as whether we've taken out the language that the committee...when this came out of...when it came out of Government Committee the committee had put in place language which would have made certain that that determination by the Attorney General was a privileged communication that could not be used against the state in future litigation. That, under the Wickersham amendment, excuse me, the Jones-Wickersham amendment as drafted, it would take away what the Government Committee did. What this does is it takes out the language from the Attorney General's office altogether, with the exception of the review that the...already the Attorney General would be required to do, and so that the issue of whether it's a privileged communication or not no longer exists then. So with that, I'd be happy to try to answer any questions regarding the amendment. I would urge that the amendment be adopted.

SENATOR CROSBY: Thank you, Senator Lindsay. Senator Withem, did you want to discuss the Lindsay amendment?

SPEAKER WITHEM: You never really know when you're first light on after an amendment's been filed, whether you should waive off and come back to wait till the discussion of the original amendment comes up, or whether you ought to make your remarks when you have a chance. And I believe I'm going to make my remarks, or at least raise my issues while I have the chance. I do support the Lindsay amendment. I think what it does is as opposed to adding a secondary examination, it assures that the takings issue would be dealt with only through the...or not only through, but the only specific reference to it would be through the rule-making process. I guess I have a question about this. Senator Jones, I see Senator Wickersham is preoccupied, so I'm going to ask you some questions on this, if I could.

SENATOR CROSBY: Senator Jones.

SENATOR JONES: Yes.