

requirement on the Attorney General to undertake this evaluation or determination about takings?

SENATOR WICKERSHAM: Well, Senator Chambers, the amendment strikes Section 2 and 3 and it also strikes the language that appears in Section 1 on line 8 through 10. So I don't think so, except from the requirement that the Attorney General would review the process, employ the notice requirements, the hearing requirements, the analysis, the description, et cetera, things that I think the Attorney General ought to do anyway in order to determine whether or not the process is employed in the promulgation and adoption of a proposed rule or regulation has been followed.

SENATOR CHAMBERS: But, Senator Wickersham, taking what you say to be the effect of it or the intent of it, did you say that if what you and Senator Jones are offering would be adopted that would then be...or those would be factors that the Attorney General would have to review in determining whether the rule had been properly adopted under the statute. Is that true?

SENATOR WICKERSHAM: I think what the Attorney General would be asked to do or required to do is to determine whether or not an analysis existed and whether or not there had been a hearing, and whether or not there had been proper notice of the hearing, and some of the other items of statutory process, as well as making a determination as to whether or not there was statutory authority or constitutionality...or constitutional authority for the proposed rule or regulation.

SENATOR CHAMBERS: So why is Section 1 of the green copy necessary to be retained?

SENATOR WICKERSHAM: I think there are some other provisions in there, they look like bill drafting work to me, but...

SENATOR CHAMBERS: Oh, that's your answer.

SENATOR WICKERSHAM: Yes, I think...

SENATOR CHAMBERS: Oh, I thought you were (inaudible).

SENATOR WICKERSHAM: I think they're innocuous, Senator.

SENATOR CHAMBERS: So, would it bother you to accept Senator