

March 27, 1995

LB 168

SENATOR WICKERSHAM: Well, Senator Withem, I don't...you probably don't recall all the debate on that subject. I didn't participate...

SPEAKER WITHEM: Well, maybe that wasn't one of your concerns.

SENATOR WICKERSHAM: No, but, Senator,...

SPEAKER WITHEM: But, but...

SENATOR WICKERSHAM: ...quite frankly, I was a little bit uncertain whether I was going to support the bill in its green form because I didn't much care for the way it was...the process was set up. And I think that process is, in the green form, is legitimately subject to question, that's the reason I suggested to Senator Bromm, Senator Jones and others that we could find a way in a genuinely public forum to raise the issues that they...

SPEAKER WITHEM: Okay.

SENATOR WICKERSHAM: ...that were the main concern of the bill, and that's the reason I suggested we could propose this kind of an amendment.

SPEAKER WITHEM: Okay.

SENATOR WICKERSHAM: I was not comfortable with the green copy.

SPEAKER WITHEM: Okay. But wasn't one of the concerns that some people had regarding the Attorney General's analysis of this was...well, let me just speak rather than asking. As I recall the debate, one of the concerns we had about the Attorney General's analysis being public was that the Attorney General's job is supposed to be to interpret...to represent the state in any questions of constitutionality over legislation or rules and regulation. And if you had the Attorney General making an analysis of a potential rule and regulation, calling into question that it might be a takings, and then that ultimately goes to court and that was public information, you would have the Attorney General's original words used against the state where the Attorney General then would be in an awkward position of trying to defend it. I really want to have a dialogue. Maybe, Senator Lindsay, you could respond to this and tell me if my thinking is, as it usually is, all wet or if I'm hitting upon something. Aren't we, in many ways, doing the same thing here