

there that the people who support this bill are after because they have had something brought to their attention by people in other parts of the country where nebulous things are going on. But how in the world are any of you going to feel like a responsible legislator when you put an obligation on an agency and you, yourself, don't know what it means? When have we ever said we're going to require such and such an agency or such and such an official to do this and they can figure out at the time they're supposed to do it what it is we're talking about? Right now we don't know. We don't know where to tell them to go to get a definition. We should define terms in the statute, and I will tell you what, based on what is being said on this floor, we can be engaging in an unconstitutional delegation of legislative authority. We are giving an agency the authority to put together rules and regulations using terminology that the Legislature does not even know what it means. When we allow agencies to set rules, the courts have become more indulgent in allowing the Legislature to accord rule-making authority to agencies and to administer laws by creating rules and regulations. But there has to be a clear enough delineation of regulation by the Legislature so it's clear that the agency is not itself legislating. So when the Legislature is going to leave it to an agency to define a term and everything that is done from that point onward is based on that definition, the Legislature has improperly delegated an authority and power to that agency. We have to define the terms. If we're going to say let them do what they believe, let them do what they think, let them do what they feel, then we are giving no legislative oversight or direction, and that is unconstitutional. I know there's not a great concern about that on the part of most people in the Legislature but I want that a matter of record so when this is challenged if it becomes law, as I hope it wouldn't, and even if the Legislature passes it, the Governor ought to veto it. This is one of the most pernicious pieces of legislation that we've dealt with in a long time because it appears to be so innocuous and harmless. If you look at that definition of property that I handed around, you can see how much is entailed in that definition. I would like to ask Senator Wickersham a question. And, Senator Wickersham, I hope I don't seem, when I ask you these questions, to be unduly argumentative with you, but I need to ask these questions of somebody and I think they're legal in nature, so I hope you understand why I'm asking you.

SENATOR WICKERSHAM: No, that's fine, Senator.