

owns property absolutely, nobody does. When we talk about private ownership of property we always have to indicate that there are provisos. You cannot do just anything with that property which you purportedly own that you choose to do. You use your property in conjunction with other people using their property in a way that is legal so that neither of you interferes with the legitimate use by others of their property. And the state always is in a position to take property from individuals and groups. And when Legislatures pass laws, as we have done, the perimeters within which a state or a political subdivision is authorized to take property will be expanded. So I don't think there is any argument about the power of the state to do that, the issue is in a given situation whether they should. The problem we arrive at with this kind of legislation is that we're not being specific and precise and we, as a Legislature, are not doing what is to be done. We are telling an agency to do what we cannot do.

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: We're telling an agency analyze whether or not there will be a taking of property and they write to the Clerk of the Legislature and say, would you ask whoever over there tells us what these things mean what taking means? And the Speaker and the head of the Exec Board get together and write back and say, we don't know, go by the law, and the law doesn't tell them. So they say, well, tell us what property means. And we send another communication over there, we don't know what it means. So then the agency would say, in view of the fact that nobody knows what this means, anything that has no meaning or is unintelligible has no actual existence. So what we have here is a rule or a directive by the Legislature which we are free to ignore because we have not been given enough information to even know how to apply it. And they can render it a dead letter and who could do anything against them?

SPEAKER WITHEM: Time.

SENATOR CHAMBERS: Maybe nobody, but it will not discourage litigation. This encourages litigation.

SPEAKER WITHEM: Senator Witek.

SENATOR WITEK: Mr. Speaker, I would yield my time to Senator Jones.