

SENATOR BROMM: Thank you, Mr. Speaker. I would like to oppose the kill motion. When this discussion started some days ago on this bill we had a considerable amount of discussion on the fact that this bill might chill some enactment of regulations, there could be a chilling effect. Then we had objections and I think Senator Bernard-Stevens main thrust at that point was he didn't want the analysis of the regulation that it might be a taking of property to be kept confidential, he wanted it to be public. And after that discussion the supporters of the bill and Senator Jones went to the drawing board, met with the Attorney General's office, talked to some legal scholars and figured out a way to indeed make this more of a public forum to consider the proposed regulations by making it part of the public hearing process, removing the concern that it was going to be shrouded in confidentiality. In addition to that, the argument that this could have a chilling effect on regulations has been dissipated, or it's gone away. I haven't heard anything really about that. So now the opposition says, well, this bill isn't going to do anything so we don't need it. And that's an argument that could be made, I would submit to you, a number of times arguably on legislation that we pass. This is not the only bill that you're going to...that we're going to have come before us this year that someone is going to argue that the bill doesn't do anything. Now what Senator Wickersham said and what I said that, this will not change anyone's constitutional rights or right to bring an action for redress or reparation or damages, if they had it before they'll have it now, if they didn't have it before they won't have it after this act. The purpose of this law and the only purpose as far as I'm concerned is that it is...it places in statute somewhat of a cautionary or a preventative measure asking the agencies to view the proposed regulation carefully for any taking of property and to notify or alert the public if it's going to have that effect, give the public a chance to be heard on that and give the Attorney General a chance to consider that information when he or she reviews it to determine whether or not it's constitutional and whether or not it does represent a taking without compensation. Now that's what it does, no more, no less. And you can argue that that's being done, that this has no effect and all of that. I would take issue with that and say that it can be done under the present law. Is it done? I question that. I think this will bring a clearer focus on that issue for the agency and for the Attorney General. I think it's worth taking a lesson from what has happened on the federal level and not let the state get into that situation. Don't let us get into the situation where