

use the term analysis you're talking about more than just a cataloging. You're talking about a breaking down. That's what analysis means. You break a thing down into its constituent parts. When you put it all back together that is what synthesis is. We don't talk about synthesizing here, we're talking about analyzing. So before there can be an analysis you have to have at least two items in order to break something down, but here we're talking about any number of types of property without telling the agency what that property consists of. Senator Wickersham repeatedly tells us that it's for the courts to make a determination of what the word property means, what the word taking means. But he will not deal with the obligation we're placing on an agency to deal with those terms without the benefit of a court opinion. So is he telling us that the agency should go to the court and seek a declaratory judgment as to what the word property means in a bill that we enacted imposing an obligation on an agency? That, in itself, would be enough for a court to say the bill is unconstitutional. It does not provide sufficient direction and guidance to the agency. And that would be true whether it's done in the...I feel that the bill is poorly drafted...whether it's done in the way this bill is drafted or if it was in a one-sentence statement. When you use terms that have more than one possible definition or construction you have what the courts call an ambiguity. When an ambiguity exists it means that...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ...clear directions have not been given. Clarity and ambiguity are mutually exclusive. For us to place a requirement or give authorization to an agency to do things that partake of the legislative activity, then those directions must be clear, not ambiguous. The term property is not clear. The agency is not being told what it must analyze. It is not being told what it must evaluate and, based on that alone, this is a bad bill. But rather than try to restrict at this point the meaning of the word property or clarify the meaning of the term taking, I'm simply offering an amendment that gives equal stature to all the other rights and I should have added...

SPEAKER WITHEM: Time.

SENATOR CHAMBERS: ...privileges.

SPEAKER WITHEM: Senator Brashear.