

that, I would yield the rest of my time to Senator Chambers.

SPEAKER WITHEM: Senator Chambers, about four minutes.

SENATOR CHAMBERS: Thank you, Mr. Speaker, and if Senator Bernard-Stevens has not used all of his time, I'll probably need a little bit more because I want to respond to what Senator Brashear asked and his questions are very appropriate and they're perfect. They were perfect for my purposes and the purposes of my amendment. Through his questioning, Senator Brashear pointed out that 168 is not wise legislation. He pointed out something that we all agree with, I think we do, that when any rule is proposed for adoption by an agency, as when legislation is proposed for adoption by the Legislature or enactment by the Legislature, we consider whether or not it's constitutional. And I think there are policy aspects that the Legislature considers to a greater extent than an agency because we formulate policy, but the idea is first, that it should be constitutional. We want it and we would presume, I suppose, that it's going to be in the public interest. Now when we begin to specify items that must be looked at, we, by doing that, are giving a special position or priority to each of those things that we specify. I'd like to ask Senator Brashear a question or two.

SPEAKER WITHEM: Senator Brashear.

SENATOR BRASHEAR: Yes.

SENATOR CHAMBERS: Senator Brashear, if we have a general law as we have now relative to rule and regulation making by agencies, if it's general in its statements, doesn't that mean that whichever agency is considering any rule or regulation relative to any subject matter would have to conform to the terms of that general law?

SENATOR BRASHEAR: I believe that's correct.

SENATOR CHAMBERS: Now when we begin to break away from the general nature of the law and create compartments in which we place specific items, we are saying, by breaking these items away from every other one, that these have a special significance over all those that are not so designated. Would you agree with that?