

a fiscal statement without prejudice. Certainly there would be more prejudice and more pressure involved if the fiscal analyst were not operating under a Committee but operating only under the direction of the sponsor of the bill. So I have proposed an amendment to Senator Fowler's amendment. The amendment would at least ensure that any members of the Legislature would be able to request such a business/consumer impact statement on those bills and only on those bills, the one in eight, that would be affected that would affect the power of a state agency or a political subdivision. This is the intent of my amendment to Senator Fowler's amendment. I think it provides greater assurance to the Legislature that we will have an impartial business/consumer impact statement prepared. I would urge you to not be too upset by the suggestion that these impact statements will be something less than impartial. Our operations with the fiscal impact statement, while we've had questions, have been run in a very business-like and I think entirely or almost entirely, impartial basis. I would ask you to give an opportunity to let this system work because it is a very beneficial bill to business and consumers combined. It is one of the rare instances where I think the two have their interest coincident. My amendment then would provide that any member of the Legislature could request such a business/consumer impact statement. I would urge the adoption of my amendment to the Fowler amendment.

PRESIDENT: Senator Fowler.

SENATOR FOWLER: I oppose Senator Bereuter's amendment although I understand his objection to my amendment and I guess for those who are still here this afternoon, the question really is, what type of creature are we creating with a business/consumer impact statement? Now I witnessed last Friday morning one of our state Senators take an Attorney General's opinion, legal opinion that you would think would be kind of a matter of fact, a sort of thing that would be objective and take it, crumple it up in his hands and throw it back towards the Attorney General and then said, read the bill, pay no attention to this legal opinion. Well I think we could see the same sort of thing happening perhaps when a business/consumer impact statement comes from the fiscal office, talks about, say, the reporting requirement to a products liability bill and assesses what the impact of that reporting requirement would be. You've a very emotional, very controversial bill of which there is great disagreement against, among which is great political heat, and we want our legislative fiscal analyst to decide what the impact to the consumer, what the impact to the insurance industry would be of that insurance reporting section. Do we honestly expect the legislative fiscal office or the staff people there to be able to solve for us, what we cannot agree on on this legislative floor? I think not. What I tried with my amendment and Senator Bereuter is right in saying it is a limiting amendment, what I indicated was that this power of the business/consumer impact statement should stay just with the sponsor of the bill and obviously the sponsor has a definite bias. They want to get the bill passed, but I think to interject the legislative fiscal office, to take that office and put it above this Legislature and have them tell us whether the reporting section that is asked for in the products liability bill, will have an adverse effect on business and consumer, is to ask too much of that office and to surrender too much of our own power. Now it is my understanding that there are some who suggest that perhaps the most appropriate remedy for this bill is a kill motion and that may be the case. That in fact, even limiting it to the request of the sponsor is not an adequate limitation of this power. I looked through the statutes that we have in front of us as far as powers of the Legislature.