

Could you enlighten us on that, Senator Warner?

SENATOR WARNER: Well, first the hearing, as proposed here, does not put a restriction upon the governmental subdivision that they must, in fact, make a finding, and as a result of a finding determine whether to take or not take the property. The purpose of it is solely one of providing to the owner of the property the opportunity to express those potential negative impacts so that the local government can at least take that into account in the process. Obviously, a negative impact, under this type of property, I would think would be a wide, wide range of things that I would be very hesitant to try and draft into statute specifically. It's an opportunity to ensure that if you placed a piece of property into this...into the register and it was going to be adversely affected by a taking on the part of local government, or the state, that you would have an opportunity to go before that body and make a presentation on the uniqueness of it, those type of things that I would think any good governing board would want to take into account as to the extent that they could. Obviously, in some instances it would be impossible just because of simple engineering, perhaps, to take it into account.

SENATOR LAMB: Well, I guess my concern is what kind of a burden. I guess the way the bill is written then, with your amendment, anything that the local subdivision of government would do in that area might potentially be a negative impact, so you would be putting the burden of that decision on the local subdivision. So they would probably hold this hearing just to keep on the safe side, whether or not it's really necessary. Is that your interpretation of the way it would actually work?

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: My interpretation of the way it would work, it provides a format for presentation to the local governing board, or to the state in which the citizens may not necessarily only be the landowner, but primarily the landowner could bring to their attention the negative impact. As the bill is currently written, the local government entity, as I understand it, is to notify the director of negative impact, which I don't know how they would determine it either without some type of mechanism that provides that input. And a hearing process would provide that input.

SPEAKER BARRETT: Any other discussion on the amendment? Any