

think it adds anything to current law.

SENATOR WICKERSHAM: I think it makes explicit what is implicit.

SENATOR BEUTLER: Okay. The problem that...I like the direction in which this amendment goes. But the problem I have with the amendment is basically, I guess, the same kind of problem that I have with the bill generally, and that is that it seems to me that we're adding to the bureaucracy and expense of the process when already, under current law, the process is essentially provided for insofar as it should be. And I direct your attention and ask you to comment on the relationship of existing law, subsection (c) in your amendment, down on line 19, with the new language that's added in (d). Under the existing language it says that already in the notice that goes out to the public there should be a description but not necessarily...can be, but not necessarily a quantification of a fiscal impact on state agencies, political subdivisions and persons being regulated, or an explanation of where the description of the fiscal impact may be inspected or obtained. Now, it seems to me that it applies to all the parties that we're concerned with, it applies to fiscal impact, I guess that's what a taking is, it's a fiscal impact on somebody or another. So why is it that we need subsection (d) at all? Why doesn't subsection (c), in existing law, suffice?

SENATOR WICKERSHAM: Well, Senator, I think you can make an argument that it would, and perhaps if we were back on the floor debating 446, the bill that put that language into statute, and we'd explicitly talked about potential takings as a part of the fiscal impact, maybe that would have been sufficient. I think the concern is that because that was not raised as 446 was being debated, and even this debate doesn't add that to the legislative history of 446, that it isn't necessarily that interpretation, and in particular the amendment as proposed deals also with those takings that may occur without compensation, so they might not have any fiscal impact on the state. So in that respect...

SENATOR BEUTLER: Okay, on...

SENATOR WICKERSHAM: ...it is somewhat broader perhaps. Although again you could make the argument...

SENATOR BEUTLER: Just...