

SENATOR WICKERSHAM: That's correct.

SENATOR CHAMBERS: ...if there are tak... All right. So then by fiscal impact you don't...you're not talking about how the state's economy would be harmed if this hog operation ceased to...

SENATOR WICKERSHAM: No, if we had to pay out compensation, Senator, is what's intended.

SENATOR CHAMBERS: Can you envision any instance where the state would have to pay and a court would require payment because somebody operating a nuisance would have to cease operating it in order to comply with the law?

SENATOR WICKERSHAM: There have been...in fact those are the...arguably some of the recent U.S. Supreme Court cases are moving that line, Senator, where the states or even...

SENATOR CROSFY: Time.

SENATOR WICKERSHAM: ...the political subdivision may exercise the police power.

SENATOR CROSBY: Thank you, Senator Chambers. Senator Withem.

SPEAKER WITHEM: Yes, Madam President, members of the body. Again, I support the Lindsay amendment, feel it is a good addition. But I'm...still more questions arise about the underlying Jones-Wickersham amendment. Let me revisit the previous edition of this, find out again what was wrong with provisions of that and why this is coming into play. Senator Wickersham, refresh my memory on the public privilege communication argument as it related to the previous version, or the original version of the bill, or the committee version of the bill when the Attorney General was going to be doing this reviewing.

SENATOR CROSBY: Senator...

SPEAKER WITHEM: Why do we not want that information to be public?

SENATOR CROSBY: Senator Wickersham.