

SENATOR CHAMBERS: For example, some years ago they took away the duster from barbers and that definitely had an economic impact or fiscal impact on barbers and that was serious.

SPEAKER WITHEM: And that was a taking...

SENATOR CHAMBERS: Yes.

SPEAKER WITHEM: ...and under the analysis. Well, you know, maybe they would and maybe they wouldn't then, in this case. Maybe the Bureau of Barber Examiners does...Board of Barber Examiners would come under the purview of this bill legitimately. But I think there are any numbers that we talked about yesterday. We talked about, for instance, the special education rules and regulations that really it would be a great stretch to see those as a potential taking of real property or personal property. What this amendment does is it tries to give some latitude to those agencies not involved with rule and regulation writing authority as it relates to real and personal property, some latitude to not have to go through the...jump through the hoops of pretending to do a taking analysis going to the time and effort and expense of doing that if their rule and regulation did not constitute or would not allow a taking of property. The language that you have in front of you, and Senator Wickersham, thank you for reviewing my previous language, and he has proposed some changes that I think maybe are slightly more accurate, I guess, would be the terminology than what I had, originally had planned, but don't impact on my original intention. What this amendment would do, it would be to insert prior to the requirement that agencies would have to go through a taking analysis only in those cases if the proposed rule or regulation or the amendment or repeal of the rule or regulation may constitute or allow taking of property. So it would limit it back then to those areas and I know where some of the concerns are is probably in the environmental area, some of those other areas, but it would allow people, for instance, again the Department of Education or perhaps in the Department of Social Services, Department of Health where they are looking at rules and regulations relating to conduct of nurses and doctors and in those particular areas, would allow them to bypass this particular analysis and I think it would make the amendment somewhat, somewhat less onerous. Again, I want to be very clear so that Senator Jones and other supporters of this bill understand my intentions. My intentions, by this amendment, are not to weaken the purpose of what they would like