

right now. Oh, wait a minute, he's back. I didn't see him. Senator Wickersham,...

SPEAKER WITHEM: Senator Wickersham.

SENATOR WICKERSHAM: Yes.

SENATOR CHAMBERS: ...again, I'm going to ask you that question.

SENATOR WICKERSHAM: Okay.

SENATOR CHAMBERS: Give me an example of the taking of property by the state without compensation.

SENATOR WICKERSHAM: I think the other day we were discussing one. I think it had to do with hog confinement operations. For example, if you were able to adopt regulations, for example, to control odors, flies, et cetera, to control what most of us would describe as a nuisance, you may deprive someone of the specific use of a property, thereby diminishing its value. I think, under general principles now, that would not be a taking that was compensated.

SENATOR CHAMBERS: Show me...

SENATOR WICKERSHAM: That is an exercise...that is an exercise of the police power which would deprive someone of use of property but that...once you deprive someone of the use of property, that is, I think by many people's characterization, a taking.

SENATOR CHAMBERS: Senator Wickersham, maybe I don't have the same amendment that you have but when I read the one that has your and Senator Jones' name on it, I see, in line 24, taking of property...

SENATOR WICKERSHAM: Yes.

SENATOR CHAMBERS: ...not use. Taking...you don't deprive the person of their property.

SENATOR WICKERSHAM: Well, Senator, I think...

SPEAKER WITHEM: One minute.