

amendment, FA99, appears on pages 1388-89 of the Legislative Journal.)

SPEAKER WITHEM: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I've just got a couple of amendments up, and the whole effort is to try to make all of this work coherently together. I think looking at what's gone on so far the problem is basically this, by the admission of both sides, this bill does nothing whatsoever to improve the position of property owners vis a vis the constitutional question of takings, that is it's not going to allow anybody any more money for any particular government action, it's not going to expand in any way the number or types of government actions that could be considered a taking. In terms of substantive law it does absolutely nothing and neither side of this argument has ever argued that it does. So then what has happened is they've gone into procedural law and said, well, let's think about it some more, even though we're not changing the law any. But from my perspective the problem is that the law itself has already anticipated a review of the takings question, even though it doesn't use the word takings, and that's then the problem that we're running into now is that all of this language, in fact I think almost all of it, at least in my opinion, is duplicative and confusing with respect to the current language and how it fits in with the current language. And so it's possible that the side effect of this medicine may be to do more damage than any good it could possibly do. And I say that in light of the fact that nobody has ever been able to say on this floor, through all of this debate, when in any instance has a rule or regulation made by a state agency not been identified properly as having a fiscal impact, that is being a taking, and resulted in some sort of problem. It's just never been stated when that's happened. And so the question arises, why are we specifically identifying that question to be looked at specifically by the state government, even though under the general language in the current law it is designed to be looked at as part of an overall review. We're singling out something for emphasis on which there is no evidence whatsoever that it needs to be emphasized. Let me tell you what my amendment does, and I hope you'll look on page 1335 of the amendment, I know you're all getting kind of sick of this language debate, but in the end I think it does mean something to try to keep the language clean. And I wanted to ask you to look on lines 19, 20 and 21, down there on page 1335, at