

SENATOR WICKERSHAM: Senator, those would be typically takings that would be without compensation, but the notion is that those kinds of takings, if you will, should be considered in a regulatory process. It would be in fact a part of the impact of implementation of the rule or regulation on the people of the State of Nebraska.

SENATOR CHAMBERS: But the analysis is for the purpose of us arriving at a fiscal impact.

SENATOR WICKERSHAM: That's only the second portion of it. The first portion is directed at the opportunity for the public to have an opportunity to describe what they think the impacts will be and how they might be affected or others similarly situated might be affected, and whether or not it's wise to affect them as contemplated.

SENATOR CHAMBERS: Well then when we talk about a requirement that the type of property, a description of the type of property which may be taken, would you...would they have to list hog confinement operation as the type of property being taken because they say you must abate this nuisance, and the only way it could be abated, under the circumstances, would be to cease it?

SENATOR WICKERSHAM: Senator, they might be able to use a more general kind of description than that, but I think that in part it is desirable to have a requirement on the agencies to have some description of the property so that they can alert people who might be reviewing not necessarily the exact language of the rule or regulation and not realizing how it might be applied to them.

SENATOR CROSBY: One minute.

SENATOR WICKERSHAM: But certainly the agency should have in mind how they wish to apply it and could be able to describe the kinds of situations or the property to which it might be applied.

SENATOR CHAMBERS: And, Senator Wickersham, you said impact on the state is a term that relates only to the pay outs that the state would make...