

February 19, 1973

any number of acres and let the acreage be whatever it might be in the area of condemnation.

SPEAKER: The chair recognizes Senator Dickinson. We have before us, actually now, 252 on Select File. Senator Carpenter has asked...has mentioned a unanimous consent motion which would strike any reference to the acreage, it's the chair's understanding. Reference to the amount of acres. Senator Dickinson.

SENATOR DICKINSON: Mr. Speaker, members of the body, I...we hashed this all over for the past couple of weeks. I'm a little alarmed that it is coming back up. I'm definitely opposed to no limitation on the legality of a school board acquiring land by eminent domain and there is a vast difference, in my opinion, between acquiring by eminent domain and through private negotiations with an owner. In many cases, it's whatever you can negotiate for fine and dandy, but when you go to the court and the court says you must do what three, so called, appraisers, unbiased appraisers tell you to do, then I think this is an entirely different story and I just don't believe that these school boards should have or do want that kind of authority. I simply oppose Senator Carpenter's motion.

SPEAKER: Very good. OK, that's all it takes on Select File, Senator Dickinson, is just your opposition to a unanimous consent motion and without that why we can't move it. The bill will have to move on and...Senator Carpenter.

SENATOR CARPENTER: I make a motion we vote on it. It takes 25 votes to adopt it. I think the...

SPEAKER: We have to advance...we have to advance the bill and then bring it back, Senator Carpenter.

SENATOR CARPENTER: We haven't left yet.

SPEAKER: Yes, but you can't amend it only by unanimous consent on Select File for a specific amendment. It has to be returned from..

SENATOR CARPENTER: I thought you could always amend on Select File with 25 votes if it hadn't moved off of Select File.

SPEAKER: Not on its way up.

CLERK: It has to be by unanimous consent, it is only when it gets to E & R engrossment that you can return it with 25 votes for a specific amendment.

SPEAKER: A bill is not subject to amendment on Select File except by unanimous consent under the Rules. The chair recognizes...

SENATOR CARPENTER: Then, how do I get it back to Select File?

CLERK: A motion to return for a specific amendment.

SENATOR CARPENTER: After it moves over.

CLERK: Yes.

SPEAKER: Check. Thank you, sir. Now, Senator Duis.

SENATOR DUIS: I thought maybe I might be able to help this situation if Senator Dickinson would allow me. I think, probably, eminent domain is nothing more than the follow up of a private purchase in negotiation that is entered into. You don't initiate an eminent domain proceeding. You try your private purchase or your purchase by negotiation and if that is not successful, then they start eminent domain so I was in hopes, maybe, your objection of this may not cause delay of the bill if that...if you understand this like I do. That the eminent domain is merely the follow up of the negotiation. You always have to start it