

May 1, 1979

LB 158

Senator Kelly and that is found on page 1275 of the Journal.

SENATOR KELLY: Mr. Speaker, members of the Nebraska Unicameral Legislature, I offer this amendment to remove from the increment financing development, redevelopment, unblighting blighted areas to a willing seller, willing buyer basis. The reason for this is the tremendous attack that private ownership of property is under today and this provision in LB 158 really is unnecessary whatsoever. It is just another place where the government can very easily state "We gotcha under the hammer. Now either sell it to us or we will take it anyway." A blighted area is stated and maybe the people that are in that blighted area in which that is their very own private property and they don't believe it is blighted. What are we going to do here? The people that are in those areas automatically have no recourse. Their right of private property is truly eroded down to nothing. It would appear to me that as we feel our way in increment financing and development, redevelopment under LB 158 that we, the citizens, should ask our government to go slow in trampling on our individual rights, particularly our individual property rights. If there were reason to understand that this was a very important part to make this work, there is some evidence, there is some history where this would be true, maybe we have a different situation. In the three to four years that I have been following this question, nobody, not one single shred of evidence has been presented to me that would state that eminent domain is a necessary part of LB 158. I have handed to each of you, my colleagues, a copy of the floor transcript of the debate on LB 469 of February 3, 1978 in a discussion between Senator Koch and Senator Kelly which goes like this. "My question to Senator Koch and I would like a detailed specific answer as the right of eminent domain would affect LB 469, Senator Koch, would you please tell me in detail what rights of eminent domain there would be in LB 469 or in the proposal that this brings?" Skipping a bit it says, "It would be up to the body to determine whether or not they would grant eminent domain to the city for the purposes of accomplishing this bill. At this time I do not anticipate that being granted because we will have to do that by law." That is Senator Koch's answer. And Senator Kelly, "Senator Koch, is it your personal desire, as the introducer of this bill, that subsequent legislation will not include eminent domain?" And Senator Koch, "At this time I would not anticipate that, that is correct." Skipping on down, Senator Kelly, "As I understand your desires, eminent domain will not at this time be a question, at any time be a question regarding increment financing?" And Senator Koch,