

May 1, 1979

LB 158

"That is correct." And Senator Kelly, "I repeat for the record that eminent domain is not to be considered a part of any proposal that would be involved in the eminent domain, correction, in the increment financing in the future, if anybody is listening. Thank you, Senator Koch." Senator Koch was more than willing at the time to receive my vote for LB 469 to say that eminent domain would not be a question in the legislation that would be proposed to this Legislature at this time but you will notice that it is a very strong provision in LB 158 and I personally believe it to be an intrusion into private property rights that is not warranted at this time under this new experimental program. I sincerely, earnestly request the members of this Legislature support this amendment removing eminent domain rights from the redevelopment and the development of parks, shopping center, blighted areas, on the basis of what we have involved, is the government taking private property from private individuals giving that private property to another private individual. That that private individual that receives that property "cannot get it without the intervening of the government" and that seems to me to be headed in the wrong direction.

SPEAKER MARVEL: Do you move the adoption of your amendment?

SENATOR KELLY: I so move.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, Senator Kelly makes eminent domain an issue this morning as he made it an issue on 469. As I said to him then, eminent domain wasn't in 469. I didn't anticipate it would be here but it is in this bill and there is a good reason for it. The reason is that once you have established an area that is substandard and it could be subsequently a rather large area, you have one individual who sits there in the middle and refuses to go with what the majority clearly would be, then you would completely allow that one person to stymie a significant effort on the part of a city or a community. You know as well as I do the cities have not been guilty of using eminent domain I believe arbitrarily, capriciously and indiscriminately. I have yet to see that happen. Now then I submit to you that once there is a condemnation procedure on the part of the city, it is probably going to go into the court and the court is going to make a determination of what a fair price is in terms of the values. Maybe we ought to put in here, they shall not pay any more than they have got the property valued for. How would you like that, Senator Kelly?