

May 15, 1979

LB 158

the Environmental Protection Act, concerning the authority for the acquisition of the property and the like, with the upshot being that the land is still not in governmental hands and the building is still not occurring. We watched the same thing happen with respect to the new State Office Building being completed in downtown Omaha, when persons for reasons of their own wished to challenge the destruction of the old Woodmen of the World Building, and this is in spite of our having eminent domain power authority on the books. Now you can see what can easily happen to a project when we do have eminent domain power authority. If we don't have it, you can consider the project itself basically to be doomed. In fact, it just will not be completed, and for that reason if we are to do something about our deteriorating communities, whether they be cities of the metropolitan class, the primary class, first class, second class, or villages, we must at least insure that the authority has the ability to acquire, when necessary, property through the eminent domain process. You can rest assured that the property owner will receive the fair market value of the property because the law requires that be done. There may be litigation over what is the fair market value, but in the end the owner will be compensated. You can also be assured that the owner will receive relocation assistance when that property is taken, because the law requires that. This is a very sensible way for us to deal with the real problem of blighting and deterioration, and for us to take out the powers of eminent domain at this juncture is to condemn this program to an early and premature death.

SPEAKER MARVEL: Senator Kelly.

SENATOR KELLY: Mr. President...or Mr. Speaker and members of the Nebraska Unicameral Legislature, I rise to support Senator Warner's motion to remove eminent domain from LB 158, and my reasoning in support would be similar to remarks that I have made previously in that for the public good we have the right to confiscate private property and we do that through the government. We have, in instances, through government controlled utilities such as pipelines, or railroads, power companies, etc. Government controlled utilities we have given the right of eminent domain for construction purposes. This is not the case in LB 158, and not even a shadow of the case. We have an instance where private developers would be taking private land from private citizens and being developed for the developer's private gain washed or run through a municipality or political subdivision that has eminent domain rights based on