

to redevelop downtown areas. This morning obviously we are attempting to stifle private enterprise and local officials in their efforts to regenerate a community that sometimes may be having some problems. For us to deny this privilege as Senator Johnson said it would make it extremely difficult because you could have one absentee owner who sits there and realizing by holding his property, or her property, that eventually they would be eligible for probably a very inflated figure as to what the value is. I would also remind you that we have the constitution in the courts that if a person feels as though his property rights are being unfairly abused by this procedure, the courts are there to say this is indeed true, you will remunerate this person according to what we think the property value is, and I have observed this happen. For us to compare the cities with utilities I think is not quite correct either. Utilities may on occasion have used eminent domain in abusive fashion, but as I have watched the cities of this state, and I think I'm rather familiar with them because I have lived within the state all my life, both in small and larger communities, I don't recall when they have arbitrarily and capriciously engaged in the business of eminent domain unless that elected official could justify the position of the body. Therefore, in conclusion I would ask you again to reject Senator Warner's amendment. Thank you.

SPEAKER MARVEL: Senator Warner, do you wish to close on your amendment...proposed amendment to 158?

SENATOR WARNER: Mr. President and members of the Legislature, it's been indicated that I did not support the constitutional amendment and probably...and will not support the bill, and that's correct with or without the amendment, but aside from that, I would also agree that adoption of the amendment might even prevent the use of the proposed legislation in some instances. But aside from that, it still appears to be that the private sector is the one that would be receiving the benefit of the governmental use of eminent domain, and as I have listened to the discussion essentially it's for one purpose and that's to keep the cost of projects down because one individual may hold up the acquisition of the property. If nothing else, I would hope that if the amendment is not adopted that local government has had sufficient warning that abuse would be objected to, though I would hold small hope for that because those kinds of hope of being able to correct if it is abused seldom come to pass.