

March 6, 1980

LB 680

SENATOR NEWELL: Loran, the one reason I am asking this is that really the two year delay thing really seems to penalize the...penalize government if they did not negotiate. Aren't there other remedies to deal with negotiations in good faith that if a city did not or aren't there judicial remedies instead of putting these kind of penalties that would come under your amendment.

SENATOR SCHMIT: I am sure that the...you see what happens in it, you are going to say that individual citizen must bring an action against the subdivision of government. Senator, we both know that the citizen versus the State of Nebraska is not an equal adversary situation.

SENATOR NEWELL: Thank you, Senator Schmit. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Schmit amendment to LB 680. Senator Burrows, do you wish to speak to that?

SENATOR BURROWS: Mr. Speaker, yes, I want to speak in support of Senator Schmit's amendment. I think the issue, that he has explained it very fairly, that the issue is whether government is really out to serve the people or whether it is the monster they are dealing with in certain instances and I think that people need a little more protection in this thing when they are dealing...when we come in with eminent domain powers with the natural resource districts especially, that they make every effort to negotiate with that person and work out settlements and that they are not careless about using that eminent domain procedure for things that are not fully and fairly and clearly public purpose. I think there should be a penalty for those people when they use the taxpayers money to use that eminent domain right and when they abuse that right because that person they are dealing with, that is the citizen, the person that we are supposed to be protecting. When they abuse it, they have the taxpayer's money, that very person's money, to spend for attorney fees and that individual who is the loser, the citizen, he has to dig it out of his own pocket while the subdivision of government or the government comes in with the tax dollars of that very person. I support Senator Schmit's amendment. I think it is fair. I think it is a people's amendment and I think the people are more important than the subdivisions when it comes to this in getting a fair shake. They need it. Thank you.

SPEAKER MARVEL: The motion is on the adoption of the