

March 6, 1980

LB 680

Schmit amendment. Do you have anything you wish to add before we proceed?

SENATOR SCHMIT: I would just like to say, Mr. President, once again.

SPEAKER MARVEL: You are closing.

SENATOR SCHMIT: Yes, I am. That there is no doubt in our minds as to the necessity of eminent domain. There is no doubt in our minds about the fact that from time to time we need to exercise that but I think we have all had, as Senator Carsten pointed out, letters on our desk relative to the exercise of the use of eminent domain. I can name you a number of instances where individual citizens were subjected to extreme amount of financial loss because the entity of public government chose to exercise their other arbitrary powers in a high-handed manner. I think that those of us who are here in this Legislature have a responsibility to protect that individual citizen. As I said to Senator Sieck, if this, the two years, seems to be too long a period of time, maybe a year ought to be considered but I think that we should consider some delay so that the entity of government does not necessarily say, well, if we lose we will just go right back and condemn again, and so the citizen finds himself right back in court fighting, using his money to fight public money which is also his money. I think it is a very unequal, a very unequal battle. I would move for the adoption of the amendment.

SPEAKER MARVEL: All those in favor of the...Senator Schmit was closing, Senator Keyes, on his amendment. Do you want to ask him a question after we adopt the amendment? Okay. All those in favor of the adoption of the Schmit amendment to LB 680 vote aye, opposed no. We are voting on the Schmit amendment to LB 680. Senator Schmit.

SENATOR SCHMIT: Mr. President.

SPEAKER MARVEL: The question before the House is, shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 9 ayes, 3 nays to go under Call, Mr. President.

SPEAKER MARVEL: The motion is carried. The House is under Call. All legislators are in their seats, Unauthorized personnel has left the floor. Please record your presence.