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LB 887

Senator DeCamp.

SENATOR DeCAMP: I agree. I agree. What is the primary purpose? Those are the key legal words, legal phrase that is used. And that is the test. Now if you want me to take your hypothetical questions and render judicial decisions on them, I think that is really expecting a little much.

SENATOR DWORAK: Senator DeCamp, I think an issue with this kind of impact, if you are suggesting that there is even a possibility of judicial interpretation on what we do, the more legislative debate as to what our true intent is, the better it is.

SENATOR DeCAMP: That is true, and as I state, we are eliminating utilization of parks and recreation as the primary purpose for condemnation of private land, in other words, taking of private land by the government primarily for a park or recreational purpose by a Natural Resource District.

SENATOR DWORAK: Okay, Senator DeCamp, thank you. One other question then, where do we define "primary purpose"? Where do I see in your amendment, where do I see in statute, where do I see in this particular piece of legislation what primary purpose means? What does that mean? I don't know. That is what I was trying to get at with my feasibility argument as to whether it is twenty percent or ninety percent or sixty percent? What is primary purpose then if we are getting off of economic feasibility? Where is that defined and what does that mean?

SENATOR DeCAMP: Don, that is involved in every condemnation. A condemnation is a court procedure. You have to go to a court, let's use a simple example, let's use the Cornhusker...

SPEAKER MARVEL: Let me interrupt you a minute. Senator Dworak, your time is up.

SENATOR DWORAK: Okay, Senator.

SPEAKER MARVEL: But go ahead and answer his question.

SENATOR DeCAMP: Every condemnation you have to go and prove exactly what you say you are doing so they would have to have a statement, a petition, a whole process where they say we are doing this because flood control. Then they have to document and prove exactly what the whole program is, why it is flood control. Condemnation is a court process