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LB 243

how or other in the next few years to come you provide some sort of mechanism whereby we aren't confronted instantaneously with decisions we don't even have time to look at them before we are to make these decisions. Somehow or other this is...I don't mind the heat but I do think in fairness if you are going to take the heat the least you can do is have time to look this over. Now would you tell me what subsection (2) means to you and then I will ask Senator Schmit the same question?

SENATOR HABERMAN: Subsection (2) to me, Mr. President, means that if LB 243 passes it cannot be retroactive on any projects where private or individuals or organizations funds have helped to build that project. That is what it means to me. That the bill cannot be retroactive to projects that have used private individuals money or organizations money that have been contributed to the project, that is what it means to me.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I think that the body had better listen very carefully to this because if I understand properly what Senator Haberman is attempting to do, it means that if I make a contribution or any individual makes a contribution or decides, in fact, to use private funds, then I have got the right of eminent domain. I can buy Senator Haberman's farm for \$200 an acre, whatever he wants to sell it for, and use the right of eminent domain and I don't think there is any where in the statutes that that applies. It is not applicable in any way, shape or form and it is totally outside of the concept of law. And I am not an attorney, but I can tell you very rapidly that what Senator Haberman is attempting to do here would never be upheld, could not be upheld and has no bearing on the law. There is no way that private contributions can be used to acquire property using eminent domain. It can't be done and you have got to have sawdust for brains if you are going to think the body is going to buy that.

SPEAKER MARVEL: Okay, go ahead, the floor is yours.

SENATOR HABERMAN: Mr. President, you asked him to explain the difference and he stood there and debated the issues of the bill, and I was up front and honest and told you the difference between the two of them.

SPEAKER MARVEL: Do you wish to respond to what he had to say?