

February 22, 1995 FB 830

not been passed out, but as the Clerk indicates, it is simply the elimination of two words that appear on page 21, on line 4. Simple amendment, very nice effect. The effect is that property to be used for a project could not be condemned. The only way that it could be acquired is by gift, grant, bequest, demise, or purchased. The good old-fashioned, honest, straight-up way to acquire property is to buy it and not buy it with government funds, buy it with your own money. If you are going to put a plant there, buy it. That's how my family acquired a ranch, we bought it. The government didn't come in and condemn a ranch and give it to us. We bought it, paid for it. Most of you have bought property and paid for it. Nobody ever condemned it and gave it to you, no matter what your good intentions, whatever your good purposes were, no matter whatever you contributed to the state's economy, nobody condemned property and gave it to you. I don't think we should state, as a matter of practice in this state, that we are going to condemn property and give it to anybody else, no matter what we think they will do for us in terms of jobs, in terms of sales tax, in terms of income tax, in terms of the reduction of blighted areas. If they want to help us, they can buy the property. The amendment is as simple as that, and I would urge your adoption of it.

PRESIDENT ROBAK: Thank you, Senator Wickersham. Senator Coordsen.

SENATOR COORDSEN: Thank you, Madam President and members of the body. Senator Wickersham's amendment, although small, has something that I would encourage those who are promoting 830 to pay close attention to. There is a long trail in the United States of prohibitions by law and court decisions of government intervening in the process of property transfer for private purposes. We have the federal constitutional issue, we have prohibitions in the Constitution of the State of Nebraska. To illustrate my point, I am going to read from current case law in the State of Nebraska, and I know that there are a number of people that are aware of this. It happened in the January term, 1967, Burger v. City of Beatrice, which was a case in which the City of Beatrice attempted to use eminent domain to secure farmland to drill wells to provide water to an industrial or several industrial facilities. And there was a suit brought and it got to the State Supreme Court. And there is just some excerpts out of here that seemed to be pertinent. On page 217 of Volume 181, and this is the edict of the court, "but it is essential that a use under the power of eminent domain must be a