

February 22, 1995 LB 830

Senator Coordsen, and I appreciate you raising that point. Thank you, Madam President.

PRESIDENT ROBAK: Thank you, Senator Kristensen. Senator Brashear.

SENATOR BRASHEAR: Madam President, members of the body, I rise in opposition to the Wickersham amendment. If we keep saying eminent domain, eminent domain, eminent domain as if it is some evil, scurrilous process and never talk about it specifically, then I think we miss the point. This state made a public policy decision a long, long time ago to utilize eminent domain to build its highways, to build all kinds of public facilities which were deemed to be for the good of all the people. Eminent domain is a process written into our law in many places more specifically than it would be in this bill. It does require due process, it does establish a matter of appraisal, it does ultimately let the decision rest among our peers, as does our whole judicial system. This I respectfully suggest is not the time to be doing a critical examination of the concept of public policy, the doctrine of eminent domain. In fact, being practical we know what project we're dealing with, we know what the time lines are, we know where the project will be located. We understand that it will be 400 to 600 acres of land involved, and given all we know about what we are doing, we understand that we could, in fact, by the adoption of this amendment and the elimination of the due process procedure by which decisions concerning this land would be made for the good of all the people, we could literally ruin the entire project, purpose and objective. We could give to the owner of 1, 10 or 12, or 20, or 40 acre tract of land the opportunity to say never, no way, at any price, no matter how fair. I really don't think that's what we've engaged in all this effort and discussion and learning and education about. I think our objectives...we know what our objectives are. I detect support for our objectives. I think this would sidetrack us and sidetrack us very, very badly. I respectfully urge the body to deny the Wickersham amendment.

PRESIDENT ROBAK: Thank you, Senator Brashear. Senator Abboud. Senator Bromm.

SENATOR BROMM: Thank you, Madam President. I had my light on before Senator Lindsay, and I was going to address Senator Withem's comments and questions on the income tax ramifications to the owner. And I might elaborate on that just a little bit.