

compelling reason for why we need eminent domain. And...

PRESIDENT ROBAK: One minute.

SENATOR FROMM: ...the tax advantages to the owner is not a compelling argument, in my opinion. Thank you, Madam President.

PRESIDENT ROBAK: Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Madam President. I want to add my voice to that chorus which says that I appreciate the charitable intents of providing eminent domain to those people who want to defer tax consequences, but for a relatively small sum I'd be willing to advise any potential seller of alternate means of reducing their income tax liability. And...well, that depends on the sale, Senator Hall, never done one of those things on a commission basis, but I'd be willing to look at it on a contingent fee, depending on the negotiated sale price. But there are, there are several techniques that would be available for mitigating if not completely...if not completely eliminating any tax consequences without the granting of eminent domain powers. And, as I say, I appreciate that charitable intent, but it's not necessary. Senator Kristensen asked what my views were concerning the provision in the Constitution which allows tax-increment financing and whether or not those somehow authorized eminent domain proceedings. Senator Kristensen, it is my opinion that they do not, those are found in Article VIII, Section 12. They have to do, in my opinion, exclusively with the incurring of indebtedness by the municipality and other items. They do not...the provision does not have, in my opinion, anything to do with eminent domain. There is an existing power of eminent domain within the...what I think is currently referred to as the TIF laws that were enacted pursuant to Article VIII, Section 12, eminent domain does exist there. The eminent domain powers that exist in those statutory provisions have been tested and they have been approved by the Supreme Court. However, there are two separate issues, of course, whether it would be lawful to exercise that power in the manner that's set out in LB 830, and I think that is arguably a different question than the one that's presented under the existing law, and that the answer from the Supreme Court could very well be different for the reasons that Senator Coordsen has stated, based on the case that has been distributed to you. The other issue, however, is not whether it's constitutional or not, whether we can somehow by sleight of hand and legislative