

February 22, 1995 LB 830

People want to talk, let them talk.

CLERK: 15 ayes, 3 nays to cease debate, Madam President.

PRESIDENT ROBAK: Debate does not cease. Senator Cudaback, your light is next.

SENATOR CUDABACK: I guess the question was, Madam Chairman, members, I guess the question of mine was and still is if we have a company out here or several companies out here on the fringe or whatever worth 3 or 4 million dollars, or whatever the figure is, and there happens to be a larger company that wishes to be in that area and they come before the council or whatever and they voice their concerns and they prove themselves and they convince the board that they need to be there also, could they come in and theoretically wipe out those companies that had 30, 40, 50, 60 employees? I guess that's my question here. That might not ever happen. I guess in most cases I do trust the wisdom of the boards, most cities, although once in a while you do get a group that can work together for not necessarily the good of the public. And I guess that's my concern. Maybe it's not a concern of everyone, but I just think that eminent domain was put there for a reason, for the public's good and maybe Senator Kristensen can voice some light (sic) on this issue. But are we trying to keep Microns out? No, we need them, and I hope they come to Nebraska. We need the jobs. They're an outstanding company. I talked to many people out in their area, fine company. But I just think they should come forward, lay their money on the table and say, hey, we want this land, and I think perhaps they will get it. Thank you.

PRESIDENT ROBAK: Thank you, Senator. Senator Chambers.

SENATOR CHAMBERS: Madam President, members of the Legislature, I was talking the other day to Senator Avery about this very issue of the power of the state, eminent domain being used to take property from one private landowner and giving it to another. I'm glad that Senator Wickersham offered his amendment, I'm going to support it. And if it's defeated, I think you will have an unconstitutional provision in this bill. The fact that an amendment was offered to correct the issue and the body voted, after extensive discussion, the argument will be made, as I have said before, that this provision was an inducement to pass the bill. And when the court makes a ruling as to the constitutionality of a legislative enactment, if a