

portion is unconstitutional but it can be severed from the bill and the rest of the bill function, the court will sever it. But if that unconstitutional provision was an inducement to pass the bill, it will not be severed and it pulls the whole thing down. So be penny-wise and pound-foolish. Personally, since I don't like the bill I'm going to support Senator Wickersham's amendment, but I hope the rest of you don't. And you're putting the land mine right in the middle of the bill and you know what you're doing because it will be in the record. This case, Burger v. City of Beatrice, which Senator...Senator Coordsen handed around to us, it's found at 181 Nebraska, page 213. And at page 217 it says, it is the first...oh, let me drop down to this paragraph. The power of eminent domain is a sovereign power which exists independent of the Constitution of Nebraska. We drop further. The Legislature may limit the sovereign power of eminent domain, but it lacks the power to extend it. The absolute power of the sovereign authority to take private property for a public use has been limited by the Constitution of Nebraska by subjecting the taking to the payment of compensation for the land taken and the damages to property taken, but it is essential that a use under the power of eminent domain must be a public use. Whether or not the use is public or private is a judicial question and not a legislative one. I like this language. Senator Coordsen was right on point, and he wants to make me think he's just one of these simple, rural rustics who doesn't know what's going on. Why, this man is dangerous. Going to page 220, his property may not be taken from him against his will, except by the sovereign powers of eminent domain and taxation, both of which must be for a public purpose. The authorities are in agreement that a taking of property under the power of eminent domain must be for a public purpose and it may not be taken for a private one, Senator Jensen, Senator Avery, and the public interest does not constitute a public purpose. And this case deals with a company that was supplying water to the City of Beatrice, however, it was found, I'll read this, on page 223. It is undoubtedly true that the locations of the Phillips and Cominco Plants at the places previously described is an asset to Beatrice. It will furnish some employment and increase business in the area, but such a public interest does not constitute a public purpose under the power of eminent domain.

PRESIDENT ROBAK: One minute.

SENATOR CHAMBERS: Listen to this, all of you who want to give