

away the state to this company. If it did, there would be no limit to the exercise of the power for the benefit of private enterprise and the constitutional right of the citizen to own, possess and enjoy property would be seriously infringed by its subjection to the growing demands of industry for its needs for water for industrial use. And the conclusion was that even if there's a public interest in providing jobs and helping industry, that is not a public purpose, you cannot use the power of eminent domain for that purpose. Leave it in this bill and I think you have an unconstitutional provision. I expect that you will leave it, I encourage you to leave it. If I believed in prayer, I would pray that you leave it. But, however, my asking you to leave it will carry so much weight for you, you will leave it as a favor to me. And, Senator Jensen, Senator Witek, Senator Maurstad, Senator Brashear is gone, but I thank all of you.

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

SENATOR BRASHEAR: Madam President, members of the body, no, Senator Chambers, I was here, I was listening to you. Thank you for your urgings by indirection. I rise to speak again because Senator Bromm spoke about all the alternatives that can be used to eminent domain, and, of course, he is correct, and those are the alternatives that are used in reasonable situations by reasonable people. Senator Coordsen, in good will, says he raises a caution flag as to what might happen if we leave eminent domain in. We all rely many, many times each day on all kinds of experts to give us advice. With all due respect to Senator Coordsen's warnings, the risk falls to Micron. They have the experts to make the analysis and the determination if eminent domain, as written, as prescribed, as followed in the State of Nebraska can or cannot be defended. What is compelling to me, in response to Senator Bromm saying he wants to be compelled, we are not talking about some private enterprise and the exercise of eminent domain as I review the facts. Senator Chambers quotes from Burger v. City of Beatrice. It's interesting, in the fast-moving world we live, it's a 1967 case, there isn't a judge sitting on the Supreme Court today who sat on that case and nobody who sat on that case is on the Supreme Court today. We've had a revision of the law of eminent domain since that time. But what is compelling in this case is 1.3 billion, billion, dollars of capital investment in our state, 1.3 billion, how many people will be benefitted;