

good reason to have eminent domain, and you'll find this in other projects, that it may be difficult to clear title. In other words, you can get the title perhaps from one owner, but you've got old easements from railroads, from old existing companies that you can't acquire good title from. The only way that you can acquire that title is through eminent domain and thus you get good and clear title. It happens time after time in these projects, particularly if you're in areas that hasn't had a lot of use or work, or they've... I know that it's happened in Omaha where they've been trying to take an old section of town and turn it into a redevelopment, they've got old easements, reversionary interest, all those things that the current owner couldn't give them good title to. You go through the eminent domain process and you acquire good title. And so I think that the case Senator Coordsen puts in did what he wanted it to do, he shook the chicken coop enough for the chickens to fly around so you couldn't tell what was going on, I don't think that that's the law, Senator Coordsen. I do think that the case of Monarch Chemical Works is the one that applies. I think there's no doubt that we have a legal right to do it. I can get you a copy, Senator Hall, but I'll tell you that the issue here is should you have eminent domain, not whether can you do it, and that's the issue that I think the Legislature ought to address itself to.

SENATOR HALL: It's not, no,...

SENATOR KRISTENSEN: And to say otherwise I think misquotes what the law ought to be. Thank you, Madam President.

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

SENATOR WICKERSHAM: Thank you, Madam President. I'm glad that Senator Kristensen scurried around and found or read the case that I cited to him earlier acknowledging that there was a Nebraska Supreme Court case that said that the use of eminent domain was appropriate under the current TIF statutes. And that might be appropriate for some of the reasons that Senator Kristensen is talking about, and apparently, according to the Supreme Court, it is. But we're talking about something slightly different here in LB 830 and I guess maybe the legal argument might eventually turn out to be whether it's slightly different or enough different that it doesn't apply. And the court could make a separate determination as to whether or not