

owner of a home and acreage, an owner of a farm who is impacted would be able to recover enough money, enough money to replace that property on the open market in and of the quality that they lose, and that's outside of the constitutional questions. I think that that private citizen ought to be afforded an extra measure of protection that we do not have in 830 at this time. I believe, to do otherwise, could create for the promoters of this legislation a challenge through the court system that would be more onerous and more costly than an appropriate open market bid for the land that is wished to be shifted from private to private hands by government power. I share with Senator Wickersham a sure and certain knowledge that there is not enough votes to return this bill at this time. But I would caution you, as sometimes those of us who have raised families had to caution those who are entrusted to our care, be careful of what you ask for, what you get may be not what you want. Thank you.

PRESIDENT ROBAK: Thank you, Senator. Senator Withem.

SPEAKER WITHEM: Members of the body, first of all, let me make sure I understand the substance of the Wickersham amendment so I might have a question for Senator Wickersham, if he would be willing to respond.

PRESIDENT ROBAK: Senator Wickersham.

SPEAKER WITHEM: The way the current bill is written, LB 830, the power of eminent domain is there. You attempted to remove it from the bill or others attempted to remove it from the bill on Select File and maybe on General File also, I don't remember. If this amendment were to be adopted, the community would still have the power of eminent domain. Correct?

SENATOR WICKERSHAM: That's correct.

SPEAKER WITHEM: They would have the power but it...but the possession of the property subject to condemnation would not be obtained until after all of the appeals were final. Is that correct?

SENATOR WICKERSHAM: That's correct.

SPEAKER WITHEM: You...I...have you practiced in the area of some of these eminent domain cases to the point where are you familiar with the length of time? I'm not. Is this one of