

involved in what is now the Branched Cak Lake condemnation proceedings. The problem was that there were 22 families, all had their land condemned. We all were looking for new land at the same time. If we had had an opportunity to be looking one at a time when our individual cases were decided, it would have been much easier for the individual farmers to find land rather than everybody around saying, oh, my gosh, we have 22 very desperate buyers that we can make a killing. So I would be in support of this that the possession will not actually take place until all of the appeals are through. Thank you.

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

SENATOR BRASHEAR: Madam President, members of the body, I rise to speak in opposition to the Wickersham amendment. I would like to say to all of the many people on the floor who have concerns about how eminent domain and condemnation proceedings proceed at law and what prices are paid that however it is done I would be pleased to join anybody in looking at concepts of eminent domain and condemnation and the prices that are paid because I have long personally been of the view that when all of the people collectively decide that it is in the collective best interest of the people to take a piece of property that maybe there ought to be a premium attached to it. I...I truly have a heart for those people who worry that we take things only at a...some sort of a minimal fair market value. But that really isn't the issue presented by the Wickersham amendment. Senator Wickersham, I think, knows what the effect of this amendment would be. And the key and critical word is possession, possession. The procedure which is age-old statutorily in this state and has withstood the test of the courts is that when you bring an eminent domain proceeding the property is, in effect, passed at that point in time. The issue becomes the money, and the proceeding that ensues including any appeals is about the money. And when this amendment uses the word possession of the property subject to condemnation may not be obtained notwithstanding any other provision of law until all appeals are final. I respectfully disagree with the senator from Harrison, it is...it would be worth someone's time in this particular instance where we are dealing with what has been reported to be 600 acres of valuable property. It would be well worth someone's time to prosecute even a frivolous appeal because once again we have put an obstacle in the path of the progress necessary to make this project doable. For those reasons I respectfully urge the body to reject the Wickersham amendment.