

February 24, 1995 LB 830

remarks about the necessity for this particular provision in the bill simply emphasized and underlined a point that I made earlier, that apparently the provisions for eminent domain are integral to the bill and they're absolutely necessary in the scheme of this thing, and I hope that that will be duly noted when the time arises, and I hope that the time will indeed arise for an examination of these provisions perhaps in a more objective body than this one has been to date in its deliberation of this bill.

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

SPEAKER WITHEM: I guess the point I'd like to make at this time relates to the general concept of eminent domain. We're passing a new bill, LB 830, that expands the application of a previously existing statute to areas where it was no longer applicable. The pre-existing statute, the tax-increment financing, the community development law, Section 18-2101 was adopted in 1979, about 15 years ago, 15, 16 years ago. Cities have had this ability to acquire property by eminent domain since that time. I don't know...I have not heard on this floor examples of how that power has been abused. There may be cases, there may be cases where inside communities individuals did not want to sell their property and the government bludgeoned the property away from them, but I've not heard any of those examples here. I think what we're doing here, as we do oftentimes when new legislation is being passed, we examine it very carefully, certain things leap out at us and then we begin to imagine problems that may result from those. And then those machinations feed upon one another until...until what may not have been a problem at all has been created on the floor of this Legislature to be a major, major concern. I, at this point, do not think there's a problem with giving the cities eminent domain. I'll be honest with you, sometimes when you're managing a bill you have to do things with it that you may not have done otherwise if you'd just been sitting here pressing buttons. And there was a time, Senator Wickersham, when I would have been inclined to have voted to take this power of eminent domain out of the bill. But I think it might have been Senator Jim Jensen the other day who has been...had some experience in this area of redevelopment who gave some compelling arguments as to why, if you practically want this project to move forward, the cities have to have this power. I don't think...cities exist of elected representatives. Local city officials don't blatantly