

SENATOR MATZKE: Well, the dist...the jury in the district court would...tries it de novo, tries it completely new and can come up with a different figure. And there again, you can take the judgment that you get, or you can appeal it to the court of appeals and later to the Supreme Court, if you want to. And that, in effect, is what Senator Wickersham's amendment would do, it would say that whoever is condemning would not be entitled to possession until all of those appeals were exhausted, and that could be two three years, and it could delay any project while all of those court proceedings are going on.

SENATOR JONES: See, I took the money right off the start, so I didn't follow up on all the rest of them. But that's the reason I wanted to bring that out. That leads me to the next question I wanted to ask, how does this here work then when...taking it from a private person and giving it to another private person?

SENATOR MATZKE: Well, it isn't giving it to another private person, it's being condemned for a public purpose or public benefit. Now, railroads can do this, telephone companies can do this, they have the right of condemnation because they're common carriers and because they condemn for a public purpose. Pipelines have that...that same right. If there's a let's say a gas pipeline that needs to go across your land, one of the major companies, like KN Energy has done this, Enron has done this, they can condemn a right-of-way across your land for a pipeline and they end up owning the pipeline, but it has to be used for a public purpose, some way a community can condemn an easement or right-of-way across your land for water or sewer, but that's for a public purpose, even though it may end up being owned by an individual...

PRESIDENT ROBAK: One minute

SENATOR MATZKE: ...or serving an individual.

SENATOR JONES: Well, that's what I wanted to bring out because most of the cases it's from private to public for some use, but there's no cases with...between private to private then.

SENATOR MATZKE: There's no right to condemn for private purposes, in other words, I cannot condemn your land or my corporation, if I had a corporation, couldn't do that either. You can only condemn if there's a public purpose that is being