

about a hog confinement and the person who owned it being deprived of the use of that property. Well, then let's take that same example and say that in Senator Avery's district there just happens to be a place called Ash Grove and Ash Grove just happens to be burning hazardous chemicals in their kiln. Now let's say that the smoke coming out of the stack of Ash Grove, which the neighbors around that area contend is damaging their lungs, their health, their well-being, the plants that they try to plant in their gardens and that they have what they consider proof that that's going on, and we try to regulate what happens with Ash Grove. Ash Grove then says, well, if I can no longer emit or burn these chemicals then you're devaluing my property. I no longer have the use or the ability of burning these chemicals. I no longer have the ability to generate my income, then according to what I'm hearing used as examples on this floor, then we have what would be considered a taking of Ash Grove's right, therefore, are we then going to compensate a polluter to continue to pollute or pay them to pollute? I have to say that this is even more serious than I first thought, but when I hear the examples being used, I question even more that what appears to us to be very simple, very straightforward. And I have no question of the sincerity of some of the senators who are bringing this forward, and that they are not a part of any national movement but that I think they're being used by people who are part of such a movement to do things that would certainly almost write a blank check to those people and I use the example of Ash Grove as only one. We could go on with other examples. But, to this point, I have heard no example of an actual taking in the State of Nebraska, although the question has been raised a number of times of one person who has actually experienced a taking and has not felt that they were justly compensated for that taking. If we don't have a problem in the state and if we're merely trying to head something off, but in the heading off of something that hasn't occurred yet we create even more problems, and certainly the merits that Senator Chambers is trying to raise, although he seems to be the lone voice crying out in the wilderness, are not listened to, we could be creating more problems here than we're attempting...

SPEAKER WITHEM: One minute.

SENATOR PREISTER: ...to solve. We could be ending up paying people to continue to pollute in our state, which we certainly are not intending to do with this legislation and I think we need to look at this far more carefully than perhaps what