

March 28, 1995

LB 168

SENATOR CHAMBERS: Senator Wickersham, were you reading from Article I, Section 21 just a minute ago, because I was talking to somebody.

SENATOR WICKERSHAM: I thought I was, Senator, yes.

SENATOR CHAMBERS: Would you read it again, please. It's on page 4...

SENATOR WICKERSHAM: Yes, page 4.

SENATOR CHAMBERS: Okay.

SENATOR WICKERSHAM: The property of no person shall be taken or damaged for public use without just compensation therefore.

SENATOR CHAMBERS: Okay, would you read the last four words for me a little slower and a little more...

SENATOR WICKERSHAM: Without just compensation therefore.

SENATOR CHAMBERS: So then no property, under the constitution, can be taken or damaged for public use without just compensation.

SENATOR WICKERSHAM: That's correct.

SENATOR CHAMBERS: Then why do we need these words, brothers and sisters, in this that says "with or without compensation"? The point I'm trying to get to is that there is a lot of extra words in this that have no meaning. It's bad enough anyway, but understand this, despite the fact that the constitution says property cannot be taken by the state without just compensation. And despite the fact that I say the same thing, that may not be true. Maybe property can be taken without compensation. And we have some on the floor who have said that it can be taken without compensation and they've given what they call examples. But remember this, what Senator Jones was talking about was a dispute between two landowners, not a landowner and the state. There was a recalcitrant neighbor who would not clean the rushes out of this little trench and that's where the problem came, not because the state clogged it up. We're talking about rules and regulations administered by the state. So he's got a dispute between two of his neighbors and he wants to drag the state into