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FLOOR DEBATE

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LR 2

amend with FA139. (Legislative Journal page 1076.)

SENATOR CUDABACK: Senator.

SENATOR CHAMBERS: Thank you, Mr. Clerk. Mr. President, members of the Legislature and friends all, the reason I use members of the Legislature and friends all, not all members are friends necessarily, but for those who are willing to accept that designation, I so address you this morning. Senator Jeanne Combs, my alter ego, this is a "no-fanger." Mr. President, this is what I was talking to Senator Landis about earlier, to try to ensure that nothing is put into this proposal to inadvertently take from a political subdivision the power to obtain by eminent domain property which is occupied by a project of the kind envisioned in this proposal. When the north freeway was cutting through my community, churches were taken, a school was taken, and they have done that already. So I do not want this kind of project, which is primarily a moneymaker for the financial institutions, to create a type of sanctified property which came into being by way of a boon not available to others, so that they are immune from the possibility of eminent domain being exercised to carry out a higher public good. We all know that there cannot be any taking of property without due process of law, due compensation. It cannot be done in a way that seems unfairly to confiscate from a person property which is not being used for legitimate public purpose. When entities having the power of public domain attempt to exercise that power, a resisting or unwilling property owner does have recourse to the courts. Sometimes the property owner prevails; sometimes not. Under the language of this proposal, as it stands, the political subdivision never could obtain this property by eminent domain. So if you turn to your gadget, you can insert this language, these few words where they would fall in the proposal. On page 3, in line 15, after the word "property" you would insert "for the purposes specified in this subsection." And that would cause the language to read thusly: "The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation." It means just what Senator Landis declared his purpose to be. In