

SENATOR KRISTENSEN: Okay.

SENATOR HALL: ...and my understanding, from listening to Senator Coordsen is, that was the case.

SENATOR KRISTENSEN: Okay. And if it's not, you'd certainly follow what the law of the land is, I'd assume. And I'll take that to be a...

SENATOR HALL: No, Senator Kristensen,...

SENATOR KRISTENSEN: ...yes.

SENATOR HALL: ...no, don't take anything as a yes. Let me see the case.

SENATOR KRISTENSEN: Okay, let me read it to you first.

SENATOR HALL: Okay.

SENATOR KRISTENSEN: And I want to quote to you from Monarch Chemical Works. For those of you who are concerned and you think that Senator Coordsen's case says that you can't do this, let me read to you what the law is in this state. And I'm quoting from Monarch Chemical Works, the issue here is not whether a city has the power of eminent domain to acquire real estate for a public purpose and later sell portions of it no longer needed, clearly it has such powers under the provisions of Section 14-374 nor is there any problem with the Constitution which prohibits the city from using the power of eminent domain. They go on to say, we also need not concern ourselves with the contention that condemnation must be for a public use of a municipality as stated in Burger v. City of Beatrice because the plain meaning of a redevelopment plan and the redevelopment act is a contract with the State of Nebraska. The property is being acquired as part of the plan and is being sold for those purposes. In other words, the City of Beatrice case, once the Constitution got changed in 1978, you...just merely by having the redevelopment plan and using tax-increment financing, you automatically have the public good and the public interest. That old case doesn't apply anymore. And so I guess what I want to say to you is don't be alarmed by the red flag that we're waving because it's a herring, it's not a flag. The real issue here is, what do you do, is it good reasons to have eminent domain? And I want to tell you one of reason it is a