

February 22, 1995 LB 830

PRESIDENT ROBAK: Debate ceases. Senator Wickersham to close.

SENATOR WICKERSHAM: Thank you, Madam President.

PRESIDENT ROBAK: I raise the call.

SENATOR WICKERSHAM: Thank you, Madam President. I'm expecting a better result, of course, on the amendment, but... (laughter) we'll see. I think there is very little left to say about the amendment. I think by now you've probably all heard enough about how I believe it's appropriate for a company, acting under the provisions of LB 830, to acquire the property by simply paying people for it and acquiring it in that fashion without using the full power and weight and majesty, if there's any majesty left, of the state to acquire it. I do want to make a comment, though, about an argument or an element that Senator Chambers raised earlier, and that is whether or not the provisions of LB 830 are a whole, and that somehow they are all related to each other and are fitted so closely together that without one the rest do not make much sense. I think that Senator Chambers was right in that assertion and I agree with him wholeheartedly. It does not seem to me that you can have any of the provisions removed and have the rest of it remain. And I think Senator Chambers is right to alert the body to the issue of whether or not the... if the eminent domain provision remains, and if it is found to be unconstitutional, whether or not the entire bill is jeopardized. I'm not saying that because I think that's the legal result. I don't know what the legal result is, I think Senator Chambers is right to raise that issue for you. You may have to make up your own mind, although this is not a court of law and you're not here to make legal decisions. But we are here to make public policy decisions. And I do not believe that the public policy of this state should be that you can use the power of eminent domain to acquire private property for private purposes. And I would urge you to adopt my amendment.

PRESIDENT ROBAK: Thank you, Senator Wickersham. The question before the body is the adoption of the Wickersham amendment to LB 330. All those in favor vote aye; all those opposed vote nay. Have you all voted? Senator Wickersham.

SENATOR WICKERSHAM: Madam President, I would ask for a call of the house and roll call vote, please.