

January 22, 1974

would be to require public hearing and public notice in any case of acquisition of property by a public body. And I think that's a clear issue. Either you feel that the public is entitled to such notice, and any case when government is acquiring property or you feel that they are not.

SENATOR KREMER: Senator Cavanaugh, I'm not arguing with you on what you are trying to accomplish here. But the language that we read in the bill says that the provisions in Chapter 25 where we are dealing with the public domain does not apply when we are dealing with a willing seller and a willing buyer. Now wouldn't it be much better to strike this whole bill and you accomplish the same thing and you do not cloud the power within the domain, giving the 90 day notice and requiring these hearing.

SENATOR CAVANAUGH: I understand your question now, Senator Kremer. No, it would not be better to strike the whole section. But the section as it currently reads and the portion that Senator Goodrich would have stricken. The reason the section the change was for that sentence. We know it already exists to exercise eminent domain proceedings. Now the intent of that section as it now exists, and before Senator Goodrich's amendment was to allow that the provisions of public hearing would not apply in those cases where you had a willing buyer, a willing seller, gift, or other transfer. When eminent domain did not exist. Senator Goodrich was going to broaden that by striking that provision to apply even when eminent domain did exist. And I would further restrict that by leaving Senator Goodrich's language stricken and deleting "not" so that it would then apply to the public hearing would be required in any case of acquisition of property, and that would broaden what the present language is in that a public hearing is not required when eminent domain doesn't exist. I would say that public hearing would be required whenever property is acquired. So I think it is important to leave the section as amended. It is a quite significant difference. Between striking the whole section, and striking "not".

SENATOR KREMER: Well you could be right. I'm sure it clears up the cloudy issue that's been before us in that if property is taken by willing seller and the willing buyer basis. Then they are involved. It certainly makes that clear. And this has been cloudy..

PRESIDENT: Are you through Senator Kremer. All right. The chair recognizes Senator Dickinson.

SENATOR DICKINSON: Court of Order, Mr. President, Where does Senator Cavanaugh's amendment come in. When do we get to discuss that then. That was made..the amendment was offered before it was suggested we lay it over.

PRESIDENT: That's true. And because of that amendment..

SENATOR DICKINSON: Now may I now discuss the amendment.

PRESIDENT: No. The motion is to postpone 653 for a week. That amendment would lay over with it. That's the point I think is the lay over.

SENATOR DICKINSON: I'll call for postponement. Will you let me do that?