

May 15, 1979

LB 158

SPEAKER MARVEL: Hearing no objection, so ordered.
Any other amendments?

CLERK: Mr. President, the next amendment is offered by Senator Warner, and Senator Warner's amendment can be found on Page 1275 of the Journal, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, what the proposed amendment does is strikes the eminent domain provision from the act. My concern with eminent domain rests with in effect we're granting eminent domain to private development...what the effect of it is, and I have great concern about that. If the projects were as limited as I thought they were going to be originally perhaps that concern would not be as great because I can see where in areas... blighted areas if in fact redevelopment was to take place you have to have eminent domain perhaps to make it work, but it seems to me as this bill has been discussed the broadness, the wide range of application that the bill can have, that the provision for eminent domain is at least subject to some possible misuse, and I offer the amendment because of that tremendous leeway as to what really is or is not a blighted area as I understand the bill, and I offer it because if it's going to pass I'd be far more comfortable without that provision in it. I think the issue was discussed somewhat the other day. It was not adopted and I'm offering it again on that basis because of the wide application that the bill can have.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, this in reality is a reconsideration of a previous motion that was defeated on General File very early in the discussion of LB 158. I respect Senator Warner's position because he was opposed to the amendment of last year, LB 469. He has never supported the amendment nor does he support the proposed legislation. But I would say to Senator Warner that as I have stated to Senator Beutler, that if I find there is abuse of this proposed legislation, particularly as it relates to arbitrary capricious declaration of eminent domain at the expense of a community, I would be one of the first to alter the law or even to rescind it. Contrary to what Senator Warner says, eminent domain is only an instrument that can be used by the sovereign community, the sovereign community being the city or the village, or the metropolitan city. The idea of eminent