

March 6, 1980

LB 680

SPEAKER MARVEL: Okay, Senator Carsten, do you wish to be recognized?

SENATOR CARSTEN: Mr. President and members of the Legislature, I would like to ask Senator Schmit a question and it is one that has been perturbing me for sometime, particularly this session. I am sure, Senator Schmit, you as well as others of us have been bombarded with letters from an area north of Lincoln, up in the Pierce area, relative to the operations of an NRD district and the use of eminent domain and the objections of the landowners with the use of this right. Does this, and my question is this, in your opinion, does this give those landowners that believe that they are having eminent domain forced down their throats without due process any help?

SENATOR SCHMIT: Yes, I do believe that, Senator Carsten. I think that far too often in the past we have seen eminent domain used in a manner which does not respect the rights of the individual citizen. I have had complaints to me time after time and certainly not just from the natural resource districts. I think we have to remember that the rights of the citizen as opposed to the rights of a subdivision of government are certainly not equal. The citizen has to use his own money. He has to jeopardize himself in court, whereas a subdivision of government has the resources of the taxpayer at their command and I don't think it is wise to allow after a decision has been rendered that subdivision of government to once again instigate condemnation proceedings immediately because the individual citizen can find themselves back in court immediately upon the previous decision of the court. I don't think we want to do that.

SPEAKER MARVEL: Senator Dworak. Okay, Senator Wagner, we are speaking on the Schmit amendment to 680.

SENATOR WAGNER: Yes, Mr. Speaker, I have a question of Senator Schmit.

SENATOR SCHMIT: Yes, Senator.

SENATOR WAGNER: Senator Schmit, one thing I am concerned about with this two year factor in here is the fact that essentially if a highway is under construction, something like that, and they get into condemnation proceeding, and if this were to take effect, it would essentially hang the project up, wouldn't it?