

March 21, 1980

LB 887

control the land, and if the majority choose to vote to take it away from the minority, they can do so but that does not make it right. We have heard the rights to the minority explained many times on this floor very eloquently by Senator Chambers and Senator Marsh, speaking on behalf of women, but there is a minority involved here also and that is the landowner and it is usually, I want to caution you, this usually is always a public entity against an individual. It is not a public entity against seventy thousand farmers and ranchers. It is the public against one. If you have ever been in that situation, ladies and gentlemen, you will find it is a most unequal, a most unequal situation. The public entity has at their command unlimited resources. They have unlimited funds for the hiring of attorneys. They have unlimited funds for engineering studies. They have all access to the resources of government, and what does the individual have, only his own resources. How do you determine in a condemnation action a fair value? Let me tell you, ladies and gentlemen, that in the last three months the valuation of real estate in Nebraska has evaporated due to a twenty percent inflation and eighteen percent interest rates. It does not change the situation insofar as the individual landowner is concerned in his own responsibilities but it makes it very difficult to assess a fair value. It is extremely difficult to assess a fair value when there is a condemnation proceeding taking place. Condemnation for those purposes which are necessary for the public good is one thing. If we are going to give condemnation authority for recreation, why don't we go upfront about it and just give it to game and parks and be done with it, be altogether finished with it. Then we know where it lies, but if we are going to deny it to the Game and Parks Commission and then give it to the Natural Resource Districts I think we are having a strange double standard and one which we should not allow. I think that we have to remember this, and I know that there are many people here who feel we have got the votes, they are in the minority, it is going to go our way, but I suggest that what you are trying to do if and when push comes to shove the courts will still stand on the side of the individual landowner. If there is a lawful, legal, justifiable purpose for taking that land, no problem as far as I am concerned, flood control, the other projects which are listed here, the normal responsibilities of the Natural Resources Districts. The projects which Senator Murphy has outlined I hope are in the very small minority. Unfortunately they may not be. The Willow Creek Project which has been referred to I think was an extreme example of a poor judgment which has precipitated in fact I suppose this situation and this action by