

It included not only legislative action, but also judicial action, administrative action and any other action you can conceive of. There is no question about it, our intent was to make it as broad as possible. We thought we were less restrictive than the draft. We thought about that carefully.

DELEGATE BAMBERGER: I take it the answer to the question is that you did intend to prohibit excessive fines or cruel and unusual punishment by law as well as by a court?

DELEGATE KIEFER: You are correct.

THE CHAIRMAN: Any other amendments to section 8? If not, we will move on to section 9. There is a minority report with respect to section 9. The Chair recognizes Delegate Weidemeyer to present the minority report and, without in the slightest way intending to suggest that the presentation be curtailed, the Chair nevertheless requests that it be made as brief as possible to an understanding of the subject matter and hopefully it could be very brief.

*(Laughter.)*

DELEGATE H. TAYLOR: Mr. Chairman.

THE CHAIRMAN: Delegate Taylor.

DELEGATE H. TAYLOR: While Delegate Weidemeyer is going to the podium, I would like to say in the interest of saving time, I talked Lloyd Taylor from moving for reconsideration of the last amendment we voted down.

*(Laughter.)*

THE CHAIRMAN: I thank both of you.

THE CHAIRMAN: Delegate Weidemeyer.

DELEGATE WEIDEMEYER: Mr. President, and members of the Committee, I intend to make this as brief as this subject can be made. In fact, I have not arranged for the usual fellows to follow me and take up the time. I think that when I get through the Chair can then open it up to full debate on the subject.

I might say that the delegates on this minority report are not opposed to the language in sub-section B of section 9 which provides that "private property shall not be taken or damaged for public use or purposes without just compensation."

However, that opens up another area, and, as you know, not all private property is taken by the public for public use, but there are instances when private corporations, public utilities, and others are au-

thorized by the legislature to condemn property.

Now, when we get into that area, I think that there should be some restriction, and if you will notice, there should be some re-you will notice, our amendment or our minority report has all the wording of the amendment, that no general or indefinitely continuing authority shall hereafter be granted which authorizes the taking or damaging of private property by private persons, firms, or corporations for any public use or purpose. Any such specific authority hereafter granted shall be limited to a specific purpose or purposes and shall be exercisable during such period of time that may be necessary to acquire the property by condemnation. Such period shall for no event extend for longer than three years. In granting any such specific authority the advance taking of property shall not be preferred but may be exercised only upon the showing of an immediate and urgent necessity."

Briefly, that means this. I think I expressed some concern to you, because of the limitations of powers in the state government and reservation of powers to the local subdivisions. Those powers that are not specifically retained by the State, I think under the local government provision, are retained in the counties. It occurs to me that probably the right of eminent domain which was exercisable formerly only by the sovereign State might then be converted and reside in those local subdivisions.

Whether that is true or not, certainly the restriction should apply to the state legislature. If it applied to those local subdivisions I can easily see that in the years to come and within the next few years when charter governments are forced upon all of these local subdivisions which do not now have it, there could become instances where private persons or private corporations might want to get eminent domain powers for public purposes.

Where would that occur? In some counties, say for example, that we had a health situation where the county felt that it was immediate and urgent and something should be done in order to provide water and sewer facilities. Yet the county might not want to go into that area, but it might have a private corporation that would go in and furnish those needed things for water and sewage.

Now, I have provided in this amendment that what is known as the "quick take"