

opposed their taking of my property, I must finance both sides of a lawsuit if I take them to court. As a taxpayer I finance the Natural Resource District and then as a taxpayer and a landowner I have to finance my own legal cost. It is only if the court should award damages in excess of 15% greater than offered by the Natural Resource District or if we can prove that the Natural Resource District did not negotiate in good faith can the landowner recover his cost. Now I think you all recognize and then there is no reason in the world why the subdivision of government cannot just refile the case. Their funds are almost, I should not say inexhaustible but from the standpoint of the subdivision they are tremendously greater than those of the individual.

SENATOR CLARK: You have a minute and a half left.

SENATOR SCHMIT: The reason for this bill is to point out that problems have occurred. Senator Hoagland refers to the Oliver project. I suggest that that project is exactly identical to the situation that exists in the City of Omaha where people were being threatened and all of a sudden this Legislature took action and said we are going to be sure to do what we can to stop this danger to the people of the State of Nebraska and the citizens of Omaha. Now in this case there is just one individual, one landowner. Is that one landowner's rights not as sacred as are the rights of a hundred and seventy one job owners and Mr. Kalmanovitz? I think they are equal and I think that in this case we need to protect the right of that individual. We need to point out that the bill allows for the construction of a project by a willing buyer, willing seller. It allows for the construction of a project if 75% or less of those benefits are recreational and the bill as I will propose an amendment...(interruption.)

SENATOR CLARK: Your time is up.

SENATOR SCHMIT: ...Thank you, Mr. President.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: I would like to speak to the main bill, Senator Clark, please.

SENATOR CLARK: You are on the bill.

SENATOR BEUTLER: Oh, I'm sorry, I thought we were on... Senator Schmit has not introduced his amendment yet?

SENATOR CLARK: No, we are on the bill right now. He was just explaining the bill.