

May 14, 1981

LB 146E

SPEAKER MARVEL: Read the motion.

CLERK: Mr. President, Senator Schmit moves to return LB 146 to Select File for a specific amendment. The amendment is Request #2402.

SPEAKER MARVEL: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I apologize for offering to bring this bill back, but I want to offer once more an opportunity for this body to vote on the provisions of LB 243 and I have attempted to remove from the amendment the objections which were expressed on several occasions by persons on this floor. One of the principal objections was that it would be difficult to assess the percentage of the damage or the recreational benefits that would be attributable to recreation. Therefore, I have provided in this amendment that the Natural Resource District Board of Directors would determine that amount of benefit and that it would be considered prima facie evidence in any litigation that would occur as to the amount of benefits that would be developed from recreation. The other point I have added is that in the event...in an area, for example, the urban areas where they need to have additional recreational projects, that the benefits that exceeded 75 percent that the Natural Resource District Board could go to the...come to the Legislature and get approval for the projects which is exactly what the Game and Parks Commission must do if they want to condemn for recreational purposes. I think that this removes the two principal objections and I recognize that there were some validity to those objections and therefore I have tried to meet them and I think that it should perhaps meet all the requirements. I hope that you would accept the amendment and return the bill.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: A question of Senator Schmit.

SPEAKER MARVEL: Senator Schmit, do you yield?

SENATOR SCHMIT: Yes, I do.

SENATOR KOCH: Senator Schmit, I didn't quite understand your explanation, you ran through it in a hurry, and I still have some reservations. First of all, is this germane in terms of 146 in terms of chapters? And, secondly, would you please explain again how you have brought about an amendment which might be accepted by this body when we have on several...on two other occasions, as you know, not allowed