

times when the taking of private property is necessary for the public good. There are times we have recognized when the taking of private property for the purposes of recreation might even be justifiable. We have provided a mechanism both in the present statute and under 243 to take care and to accommodate that instance. I think it is extremely unfortunate that we would ever have to do so. I don't think, and someone says it may only happen once in a great while. Well, ladies and gentlemen, once in a great while happens to be extremely important if the individual happens to be myself or one of the other forty-eight members of this body. It never makes quite so much difference if it is someone else who is being impacted by the action of this body. I guess I am a little concerned more than anything else by the fact that we have seen here the last few weeks tremendous impact of a governmental subdivision being able to lobby, influence, and in some cases perhaps even intimidate members of this body to give them the powers that are extended to no other subdivision of government. I have had manager after manager of the Natural Resource Districts, I have had innumerable directors of Natural Resource Districts come to me and say, "Schmit, we don't need the power. We are better off without it. We never asked for it. In fact, we didn't even know it existed. We wish we had never heard of it. We hope that you make it clear and emphatic in the statute how it is to be used. We hope that you give us some direction." I will concede also that there are some who think otherwise. I am not challenging the integrity, the good intentions of those individuals. I am not concerned, very frankly, about the possibility of widespread litigation that might result if this bill becomes law. Even those individuals and those editorial writers who have opposed the bill have acknowledged that there is some concern about the increasing use of eminent domain. As I pointed out to you this morning, the Montana Legislature has adopted a resolution calling for an interim study of the powers of eminent domain and the use thereof. One after another we have stood on this floor and we have criticized the taking of agricultural lands for various purposes. We have criticized the taking for the use of roads. We have criticized the taking of land by power companies, by railroads, by other entities, and all of a sudden we say that in the event they want to use it for recreational purposes, there shall be no restriction. I have stood on this floor and asked many times for money for the development fund. I will not be able to go back to the people of the State of Nebraska and defend the amounts of money we want for that development fund if we continue to use money in this manner. When you say we are going to take twenty percent of the total amount of the expenditure so far in the development fund and use it