

May 22, 1981

LB 243

amended allows the use of eminent domain for a one hundred percent recreational project if it is approved by this Legislature. It allows the use of eminent domain for any project which does not...

SPEAKER MARVEL: You have two minutes left.

SENATOR SCHMIT: ...does not exceed seventy-five percent in recreational benefits. There are those here who think the restrictions should be even greater and very frankly I would rather have them greater. I want to say also that if we allow this to continue we are going to find increased expense for construction projects from one state to the next. You are going to find that there will be those individuals who previously have been cooperating who want to develop projects who will no longer cooperate. It is one thing to take private property by eminent domain for a needed and necessary public purpose when no alternative is available and another thing to take that property by eminent domain for a public purpose for recreation when almost in every instance other purposes of the land is available.

SPEAKER MARVEL: One minute.

SENATOR SCHMIT: I would hope that as you review this bill that you forget about the personalities that are involved, you forget about the individual persons and the projects, and you look at it as how it impacts upon the State of Nebraska. This is not a minor bill with me. It never has been. It never will be, and those of you among my colleagues have stood up time after time and defended private property and private property rights and are today voting against LB 243 mystify me greatly. You would have a difficult time to defend it if it should occur in your legislative district, in your county, in your home town. You cannot defend it. It is indefensible.

SPEAKER MARVEL: Time is up.

SENATOR SCHMIT: Thank you, Mr. President, I would hope the bill would be advanced.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, Senator Schmit referred three or four times to the taking of Colorado or providing the Colorado people with recreation but we don't mind them taking their money for their park fees when they go into our parks. We don't mind taking their money for motel tax, or the sales tax. So I don't