

the county board asking for an access of a two acre tract along the Elkhorn River. He had purchased the property at a tax sale. It was in a floodway and he was not able to put up any buildings on the property but he wanted to use the property just to go fishing. The cost of building him a road would have been about a \$50,000 bill. The county board refused to act on his request and happily he didn't take it to court, but they tell me if he had gone to court, there is no doubt that he would have won. Another case shortly before that, a man came to the county board requesting access to a 15-acre tract that was isolated. He had sold off most of the surrounding property over the years without keeping an easement for the 15-acre tract. Again the neighbors refused him access rights. The cost to build this road would have been 40 to 50 thousand. Once again the county board refused and he was finally able to work out an agreement and if they would have gone to court with this he would have won. I would like to also say that at the public hearing the Nebraska Association of County Officials supported the bill. We had testimony from Douglas County, Dodge County, Cedar County, Custer County and it has been long overdue and that explains the bill, but I am sure that the Clerk does have another amendment before we take up passage or advancement of the bill.

SENATOR NICHOL: Mr. Clerk, would you read the amendment, please.

CLERK: Mr. President, Senator Kahle offers an amendment. He offered...well, he would offer a new section 7. "This act shall not apply if public access had been granted prior to the effective date of this act." And I believe copies have been distributed to the membership.

SENATOR NICHOL: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I think this is just a clarifying amendment, so that if access has already been provided that they can't come back and demand a different type of access. And I think this is a good amendment and should be adopted...attached to the bill. Thank you. I move for the adoption of the amendment.

SENATOR NICHOL: All right, we are voting on the adoption of the Kahle amendment. Senator Koch, did you wish to speak to this amendment?

SENATOR KOCH: I would like to speak to the bill when we get past the amending process.

SENATOR NICHOL: Okay. All those in favor of the Kahle