

March 27, 1981

LB 173

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of the committee amendments.

SENATOR CLARK: The committee amendments are adopted. Senator Warner, on the bill itself, 173.

SENATOR WARNER: Mr. President, members of the Legislature, what the bill itself does is establishes the statutory authority to grant easements, as I indicated, to a government entity or to a charitable non-profitable type of entity to hold an easement over property to perpetuate or retain some aspect of that property that would serve as a public purpose. It requires no funding. It can only be done by gift. Normally what you would think of would be I suppose a similar thing which was dealt with in a bill a little earlier today which Senator Sieck had. It reserved the process for holding virgin prairie. It is the same kind of concept where an individual owner could by easement retain an aspect of either a building because of historical nature or something native to the land itself such as virgin prairie, forest, that that could be preserved but it would still have to always have that public purpose there. There are provisions when the, if the public purpose is no longer served there are procedures that would remove the easement that could be utilized. It no way prohibits the utilization of property for purposes that eminent domain would be required such as utility lines or roads. Those kinds of improvements would be permitted under the statute. It would override any easement restriction so there is no detriment to local government. I move that the bill be advanced.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, I rise to just simply point out a possible problem that I might have with this bill but I am going to support it here on General File because I am not at this point in time ready to raise any issue. Senator Warner and I have discussed this and he is in agreement with my philosophy. There is a portion of this bill that indicates that when public entities are to get an easement to cross some of these lands, that I want to make certain that they don't have to go through the condemnation proceedings such as...and I have visited with Senator Warner as I have indicated. I had a bill earlier this year that set up a procedure where public entities did not have to condemn on Board of Education public lands and funds, that a simple agreement could be worked out and