

April 13, 1981

LB 58

PRESIDENT: Motion carries. The Sieck amendment is adopted on LB 58. Senator Sieck, will you move to return.

SENATOR SIECK: I move that we return it to Final Reading.

PRESIDENT: All right, motion to return it to E & R for engrossment. Any further discussion? All those in favor signify by saying aye, opposed nay. LB 58 is returned to E & R for engrossment. All right. Another motion on the desk. Read the motion, Mr. Clerk.

CLERK: Mr. President, Senator Beutler moves to return LB 58 to Select File for a specific amendment. (Read Beutler amendment to LB 58 found on page 1428, Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I will try to be quick. These are a couple of protective provisions which are being put on with the permission of Senator Sieck. A copy of the amendment should be on your desk. Basically the amendment does two things. First of all, it says, and to refresh your memory just briefly, the bill basically allows a political subdivision to sell this land to a nonprofit corporation but to sell it with a protective covenant which says that the land shall be preserved for a certain...shall be preserved as virgin prairie. My amendment would say that should for any reason a court declare or if that protective covenant should lapse for any reason, then the political subdivision which sold it to the nonprofit corporation would have the right to buy the land back at the value determined as if the covenant were in effect, and the value is determined in that method, of course, because the nonprofit corporation in taking the land from the political subdivision in the first place will have gotten a price which was reduced because of the fact that the protective covenant is on there. The second provision says that no sale authorized under this act shall take place after July 1, 1983. That is basically a sunset type provision and that is being put on because I personally feel that the philosophy that is encompassed in Jerry Warner's LB 173 dealing with preservations and conservation easements is a superior philosophy to that which is in this bill, and as a compromise, we are saying that this bill will be in effect for two years and after that we will rely on the provisions of LB 172 for conservation and preservation easements. Thank you.

PRESIDENT: Any further discussion on the Beutler motion to