

May 26, 1981

LB 243

SENATOR CLARK: Senator Schmit, do you want to take up 243?

CLERK: Mr. President, 243 was last considered by the body on May 22. At that time E & R amendments were adopted. There was an amendment from Senator Schmit that was adopted. I now have pending, Mr. President, amendments from Senator Haberman. They are Request #2467.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, the intent of this amendment is that it covers Sanitary Improvement Districts within the bill that they cannot condemn land for recreational areas as they have done in the past. They have condemned land for golf courses, swimming pools and et cetera and the amendment merely says that if the NRDs cannot do it for recreational areas, the Sanitary Improvement Districts cannot do it either. Thank you, Mr. President.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, we have historically in this Legislature refused to accept as not being germane any amendment such as this which did not deal with the same section or same chapter of the law as the one in which we are involved. This amendment of Senator Haberman's deals with the SIDs. It is a different chapter and I protest the amendment on the basis that it is not germane. I ask for a ruling of the Chair.

SENATOR CLARK: Senator Haberman, do you have any arguments as to the germaneness?

SENATOR HABERMAN: Yes, I do, Mr. Chairman. My argument for germaneness is that the subject of the bill is the right of eminent domain and whether it is SIDs or NRDs or schools or anything else, that is the subject of the bill. That is the subject of my amendment.

SENATOR CLARK: You are in a different chapter. You are in chapter 31. Senator Schmit's bill is in chapter 2.

SENATOR HABERMAN: Okay, that is fine.

SENATOR CLARK: I would have to rule it is not germane.

SENATOR HABERMAN: Okay, that is fine. I will not challenge your ruling.

SENATOR CLARK: Senator Schmit.

5786