

February 8, 1979

LB 13

PRESIDENT LUEDTKE: The Chair recognizes Senator George.

SENATOR GEORGE: Mr. President, I move the adoption of the committee amendments. The committee amendments were proposed by the irrigation people that control those irrigation ditches and there doesn't seem to be any kind of a dissent or disagreement between the City of Scottsbluff or the irrigation district. I guess I or Senator Nichol will be glad to answer any questions.

PRESIDENT LUEDTKE: Any discussion on the committee amendments on LB 13? Senator George, anything further? The question before the house is the adoption of the committee amendments on LB 13. All those in favor vote aye, opposed nay. Have you all voted? The question is the adoption of the committee amendments, LB 13. Record the vote.

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

PRESIDENT LUEDTKE: The motion carries. The committee amendments are adopted. The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I don't want you to have any qualms about the number on this bill. It happens to be #13 but I guarantee you there is nothing mysterious about it. It simply allows cities and villages to agree upon the coverages of irrigation and drainage canals within the boundaries. This is simply enabling legislation that would allow first and second class cities and villages to expend funds for the coverage of these ditches. There exist at present, no statutory provisions for general municipal police power which enables cities or villages to make expenditures of this type. This arose out in Scottsbluff where the city grew out to engulf some areas of drainage districts and irrigation canals but the city attorney out there brought to the attention of the council that they had no legislative power to spend money on areas that were not owned by the city. The amendment merely states, Senator Koch, that the drainage or irrigation district would agree to the plan as provided by the city in case the city attempted to cover these ditches and the purpose of it was so that the city would not cover the ditch with too small a tube and also so that the construction of the project would be in accordance of the wishes of the drainage or irrigation canal. I want to point out, this does not expand the cities eminent domain powers in any way. Mr. Chairman, I move for the advancement of LB 13 to E & R Initial.