

April 2, 1979

LB 176

I notice that there is an inconsistency on the percentage that is established. In 17-510 we are talking about 60% and in 17-511 we are talking about 50% of the owners of record. Now is it supposed to be that difference...?

SENATOR MARESH: Yes, I think one is to establish to start the district and the other one is to repeal it after it is published.

SENATOR STONEY: All right. Thank you.

SENATOR MARESH: 60% to kill it.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: Question.

PRESIDENT: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed nay. The question is, shall debate cease on the motion to return? Record the vote.

CLERK: 17 ayes, 18 nays to cease debate, Mr. President.

PRESIDENT: Debate does not cease so we will continue with those... Senator Johnson. The Chair recognizes Senator Johnson.

SENATOR JOHNSON: Mr. President, members of the body, I think that Senator Koch's motion is a good motion. I followed LB 250 very closely and, in fact, spoke against it for a couple of reasons. One of the reasons dealt with the way it was treating railroad front footage but the other reason in addition and as a reason why I would speak against 176 is because it changes the present situation with respect to the resident owner of property and allows the owners of record of the front footage the vote. Now what happens in so many areas in Omaha and in other places is that the residents would like for their street to be paved and are willing to have their street paved and they can vote in a paving district but the nonresidents under this bill would be allowed such a vote and they could easily defeat that kind of a paving district and they have less of an interest of course in paving district in their own area because they don't reside on the dirt street. They of course have an interest because they are going to have to pay the taxes and the assessments but because they don't reside on that street, they have a less of an interest in making certain that it does