

April 26, 1979

LB 136

SENATOR GEORGE: Thank you, Mr. President. Could the Clerk please read the amendment? I didn't get the text.

CLERK: Mr. President, the amendment is to strike Section 4 of the Final Reading copy of the bill.

SENATOR GEORGE: Well, of course the problem as mentioned by Senator Keyes occasionally occurs but I would also point out to Senator Keyes that certainly there is a remedy and certainly you can find probably a dozen different court decisions that have proven that you have to show benefit to that party before they can be made to participate in paying for that paving district, therefore, if Senator Keyes talks about agricultural land across the street, I don't think the city in trying to pave that road could really show any kind of a benefit to that farmer and, therefore, I do think that there is protection left.

PRESIDENT: The Chair recognizes Senator Rumery.

SENATOR RUMERY: Mr. President and members of the Legislature, quite naturally I oppose this amendment for several reasons and I will try to numerate those in a moment. I would like to mention to you why this bill was introduced and I would like to give it to you now. Cities and villages, because of passage of LB 173 of the 1977 legislative session, must annex all of a contiguous county road when annexing contiguous territory unless it is a county road dividing two counties and this is provided for in Section 18-1716.01 of the Nebraska Statute, '77 supplement. Present statutory authority does not allow a municipality to form an improvement district outside of the city limits or to assess for improvements in such a district. LB 136 would provide that a municipality can make improvements adjoining the city. The same remonstrance procedure will be used in the adjoining area as is used within the city. Passage of LB 136 would provide a municipality with a means to set up an improvement district on both sides of the street and if no remonstrance is filed, could complete the improvement and assess the owners. Now Senator Keyes says this is, in effect, this is an anti-farm bill and it most certainly is not. If the land on the city side of the road is divided up into lots and there are alleys and so forth in there and intersections, the landowner on the other side of the road has more voting power than do those on the city side of the road. They always have this protection of the remonstrance and it would aid the towns and cities in establishing paving districts, sewer districts and all of the other services that are needed for