

April 7, 1981

LB 44, 173

SENATOR CLARK: The amendment is adopted.

CLERK: I have nothing further on the bill.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move LB 44 be advanced to E & R for Engrossment.

SENATOR CLARK: The motion is to advance LB 44. All those in favor say aye. Opposed no. The bill is advanced. LB 173.

CLERK: There are E & R, Senator.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 173.

SENATOR CLARK: The E & R amendments to 173. All those in favor say aye. Opposed. They are adopted.

CLERK: Mr. President, Senators Wagner and Vickers now move to amend the bill. (Read the Wagner and Vickers amendment found on pages 1324 and 1325 of the Legislative Journal.) That is offered by Senators Wagner and Vickers.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, the reason for the amendment that Senator Wagner and I are offering is very similar to the bill that we passed earlier this session that was sponsored by myself, LB 121, that allowed the utilities, public entities, that desired to build utilities or to use the power of eminent domain on Board of Educational Lands and Funds, that as the law had previously been they had to condemn and go through the condemnation proceedings every time they attempted to get an easement on this land. We passed a bill, LB 121, that changed it so that through an agreement process if an agreement could be worked out between the two parties, the two public entities, then the condemnation proceedings didn't have to be used. 173, the amendment that Senator Wagner and I are offering to 173 is basically saying the same thing that the entity having the power of eminent domain does not have to use that power, does not have to use the condemnation proceedings, the expensive type proceedings, if a simple agreement can be reached with the owner of the easement created by LB 173. In other words, it would hold down the cost considerably if it is