

I'm going to make a few remarks about the bill as well as the amendment. The committee did agree unanimously with the concept. We have here a situation where these municipalities felt that they had the right of eminent domain in the area of distribution systems. A recent case, Iowa versus Walthill cast some doubt whether or not that was actually expressed in the language. There is no doubt that they have always had the power for eminent domain to build a power plant or to build their lines. They have assumed they had the power to build distribution centers but this court case indicates that that is probably in doubt. So what we are trying to do with this bill is to include the distribution centers as well because it is very difficult for them to function properly without being able to put up a distribution system. This would just be the transformers and that type of thing that would allow the lines to go out from that area. Again, it is a right that they'd felt they had all the time and I really don't believe that there can be much disagreement with it. As Senator Landis indicated all parties involved were in agreement with this bill and I would encourage you to approve the amendment.

PRESIDENT: All right, I guess, Senator Landis, are you ready for the adoption of the...any closing on the committee amendments? The motion is the adoption of the committee amendments on LB 875. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: Motion is carried. The committee amendments are adopted on LB 875. There is an amendment on the desk. Read the amendment, Mr. Clerk.

CLERK: Mr. President, Senator Remmers and Landis would move to amend the bill and the amendment is on page 1107 of the Legislative Journal.

PRESIDENT: Senator Landis would you go ahead. Senator Landis will handle the amendment.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this amendment was brought to the committee by the Nebraska Public Power District. It says that this power is granted to electrical distribution facilities which are located within the retail service areas of such city, that is a first class city, second class city or village, as approved by and on file with the Nebraska Public Power Review Board pursuant to Chapter 70, article 10. This is just some clarification language as far as jurisdictional review