

February 6, 1981

LB 65

we need now is Senator Goodrich, I think. Senator Beutler, do you want to go ahead with this without Senator Goodrich? Mr. Clerk, call the roll.

CLERK: (Read the roll call vote as found on page 458 of the Legislative Journal.) 18 ayes, 15 nays, Mr. President.

SENATOR CLARK: The motion fails. The committee amendments are not adopted. Do you have anything further on the bill?

CLERK: I have nothing further on the bill.

SENATOR CLARK: Senator Nichol, what do you want to do with the bill?

SENATOR NICHOL: Mr. Chairman and members of the Legislature, perhaps if some have reservations or questions about this, I think perhaps Senator Wesely and I can work this out before the bill advances beyond E & R Initial. But regardless of whatever the percentage is on the condemnation, I still think the bill is good. All the bill does is allow counties with more than one city of the first class in it, or primary, to have a railroad transportation safety district, and when the bill was passed originally as I recall there were no counties in which more than one city of the first class or primary was involved in a single county. Now there are more than one county...there is more than one county which has more than one city of the first class in it. So this would simply allow the districts of this nature to be in effect and secondly, it would continue to be of the nature whereby cities could not outvote counties, and counties felt that they should not, and I agree that they should not be outvoted by cities. So this is the substance of LB...I move for its advancement to E & R Initial.

SENATOR CLARK: The Call is raised. Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, I am very concerned about the eminent domain rights which have been changed as a result of the failure of the committee amendments. However, I do see a point of compromise that I will try and work out with Senator Nichol on Select File. For instance, we could find a way to allow a 2/3 eminent domain vote among those in railroad transportation districts that are formed in cooperation between city and counties with several cities involved. We could also keep the