

April 6, 1982

LB 868

talked about and there needs to be no other discussion and we will be back to 868. Then these people who are in business of sanitation will survive. Until such time as the resolution has been properly studied to see whether or not there can be some kinds of conditions which are appropriately met where all people know what is going to happen to them before they are executed that they've had a chance to defend themselves. I ask for the adoption of the amendment.

SENATOR CLARK: Senator Landis, on the Koch amendment.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, the argument here is one of economic protectionism and it denies to SIDs the authority to collectively act in their own behalf. A request that we had from SIDs and which we acted upon by the inclusion of this language. SIDs are small municipalities on the fringes of cities. They perform a number of municipal functions. They have parks. They have swimming pools. They have common areas that they maintain. They have streets, street lights. They have drainage systems and all of the authorities that they have are given to them by statute. When they want to create a new power, do some new act collectively, they have to come to the Legislature and get it and they have done that in a long skein of requests, one by one. And in this case they have come to us for the power to band together to see if they couldn't collectively decide what to do through their elected representatives through the board of trustees to contract for garbage or in the event the SID wanted to fund it themselves, to collect and dispose of garbage on their own behalf. That collective power is something that we have given cities. That collective power is inherent in the idea of living together under the political decision making of a board of trustees. That contract process is open to any bidder. Those bids can be taken by anybody who satisfies the SID and nothing requires an SID to utilize this power. Only those who through their board of trustees choose to do so can, in fact, exercise the power that is granted to them under this language. Take a look at the language. Is it discriminatory on its face? Certainly not. Does it say that bids can only be accepted from certain parties? No, it does not. Does it indicate what size the contractor has to be? No, it does not. Now if you are doing business right now and you are satisfying your customers, who has the best chance of getting that bid? You do. And who is doing this business? The people in the balcony. Now the system operates in their behalf. I understand that. What I am saying is that the people in SIDs ought to be entitled to decide for themselves whether they collectively want to act in this way. If they don't, under the rule of a representative democracy they don't have to. It is simply a grant of permissive authority and I oppose Senator Koch's amendment.

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