

May 9, 1989

LB 311

SPEAKER BARRETT: Thirty seconds.

SENATOR SCOFIELD: The second amendment that I am going to withdraw dropped off the last four sections of the bill because they gave the Department of Environmental Control power to obligate all or any part of a fund and put a lien against that fund. I have real problems with both of those just in terms of the financing mechanisms and all the constitutional problems that we have had with like activities in the past. So I will get into that more, right now, but I will, right now, withdraw this amendment, and then the next amendment that I had filed as well, and let Senator Landis address these questions in an amendment that he is bringing in. Thank you.

SPEAKER BARRETT: Thank you. They are withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Landis. Senator, I have AM1620 in front of me. (See page 1999 of the Legislative Journal.)

SENATOR LANDIS: Thank you. Mr. Speaker, members of the Legislature, this is a response to the Attorney General's Opinion that Senator Scofield requested and received which in part said; in summary, it is our conclusion that Section 10 of the proposed bill would authorize use of all or any part of the fund to pay and secure the repayment of loans, and that would be violative of the constitutional limitations concerning indebtedness of the state. The amendment on several occasions recites that this is not a lending of the credit of the state, that the earnings on such appropriations may not be used to repay the bonds that might be lent to support the wastewater treatment fund. It strikes some language that was in the bill and, basically, it serves to create a wall in the revolving fund between the state appropriations, which are walled off, from the rest of the fund, which would consist of federal grant monies and the interest created by the fund, plus the repayments from cities. That is so that the state appropriations money will not serve as a pledge for the repayment of the bonds that might be issued pursuant to 311. Now, there are a couple of technical amendments here to adopt, and then I think there is I think a reasonable but short discussion on the underlying issues. Let me just simply say the wastewater need in this state is very clear. It certainly exists in small towns. We are buffeted by the federal government's redefinition of its role because it is