

April 7, 1992

LB 719A, 899, 1240, 1240A, 1282

record.

CLERK: Yes, Mr. President, thank you. Amendments to LB 1240 by Senator Conway and Beutler, Senator Wickersham LB 1240A, Senator Ashford LB 1282. Enrollment and Review reports LB 719A as correctly engrossed. That is signed by Senator Will as E & R Chair. That's all that I have, Mr. President. (See pages 2023-34 of the Legislative Journal.)

SPEAKER BAACK: Thank you, Mr. Clerk. We will now proceed to LB 899.

CLERK: Mr. President, 899 was a bill introduced by Senator Kristensen. (Read title.) The bill was introduced on January 8 of this year, referred to the Transportation Committee. The bill was advanced to General File.

SPEAKER BAACK: Senator Kristensen, to open on LB 899.

SENATOR KRISTENSEN: Thank you, Mr. Speaker, members of the Legislature, LB 899 was a consent calendar bill and it was on consent calendar for a little while and there was some discussion and some concern about the scope of what this measure would do. So to refresh your memory, when we reconstruct highways or build them for the very first time, oftentimes roads need to have shoulders to improve safety for wider shoulders so when a vehicle goes off the road there can be more safety and that widening of that shoulder usually results in the filling of dirt into a ditch area or maybe widening out the roadway itself and that oftentimes includes putting land or using lands which are in wetlands. Wetlands have been described by the federal government and are quite a hot topic in the federal government and one of the problems that we have with the building of roads is that if you are going to fill wetlands, you need to get a permit from the U.S. Army Corps of Engineers. To receive this permit, you have to minimize your damage to the wetlands, mitigate them and somehow, or even in some cases you have to replace them. In some occasions the replacement not only is the same number of acres but is a larger number of acres because of federal law. And so the need comes that every once in a while the Department of Roads needs to acquire property for wetlands purposes, to mitigate, to place them in other areas. We have in the Nebraska law, Section 39-1320, which is the Department of Roads authorization for condemnation or for acquiring property. Oftentimes is how they acquire roadways. And a good lesson, I