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LB 748

followed by Senator Janssen.

SENATOR LANDIS: Well, we had several more speeches that certainly intensify the rhetoric, but made no case for LB 748. Among the reasons are apparently my arrogance and my failure of being more pleasant or better behaved with respect to a MUD lobbyist. If that's the case, perhaps I owe them an apology, if that's the case. But it doesn't make a case for LB 748; doesn't do it. The fact that things weren't talked about in Senator Bourne's presence doesn't mean that they weren't talked about. He said that there were three things--the constitutionality, the FERC issue, and the Bellevue issue. They've never been brought to light. Well, here's the committee amendment to LB 748. Here is the Bellevue issue I was talking about. You'll find it on page 2, and it's on...it's the number three amendment. It's a committee amendment to Senator Bourne's bill. Except that when such facilities are located within the corporate boundaries or territories of a city of the primary, first, or second class--and by the way, that's Bellevue--or when such facilities are located on property owned and leased by the state (sic), of a primary, first, or second class, the district shall not acquire such facilities by condemnation, unless the city or village adopts a resolution approving such acquisition. It was in the committee amendments. Exactly what I said, it's in the committee amendments. That was the Bellevue problem, and Bellevue has now since solved that problem, so we don't need the committee amendments, and we don't need anything in LB 748. Secondly, with what is unconstitutional in the bill, Senator Bourne wasn't there because he's not in the Executive Session of the committee, it's true. But it certainly did get raised, and it's in the right of first refusal. Can you imagine the state of Nebraska saying that one party has an absolute right to come in and take the position of one of two other parties with respect to a contract, and bump them out of the way and take their part of the contract? You don't think that might be unconstitutional that says, look, if Senator Stuhr and I have an agreement, the law will then give Senator Hudkins the right to bump Senator Stuhr out of the way and take her part in the contract, and require me to go forward with it? That doesn't strike you as maybe violative of the due process clause, or of equal protection under the laws? It's...that would be