

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 11, 2006 LB 1249

CLERK: Okay.

SENATOR CUDABACK: Is Senator Friend going to open? You're recognized to do so.

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. If you remember back, I believe it was Thursday, the whirlwind in regard to this bill, the conclusion that Senator Landis, myself, and others involved in this discussion came up with was a change, a fundamental flipping, that we like to call, of LB 78 or, in other words, the current statutes that we're dealing with enhancing and bringing what I would call adequacy to the statutes that we're dealing with right now. Here's what this amendment does based on the agreement that Senator Landis and I hammered out on the floor here. Number one is it removes the emergency clause, which was originally enacted to avoid attempts by utilities to take, you know, advantage, I guess, or to seek advantages before this bill took effect. With service territories gone, that's not an issue anymore. So we removed the enacting clause, that's number one. Number two, this amendment removes Section 12 which would grant protection to cities dealing with their own utilities so that they would not be disadvantaged or under the service territory law. With service territories gone, again, the section is not needed and this would actually limit municipalities under these circumstances. Number three, this corrects a problem in the bill. MUD is granted the authority to expand pipes without filing for permission in an area within three miles of the city boundaries. This is the area where Omaha is authorized to exercise extraterritorial zoning jurisdiction. This amendment removes that three-mile language, replaces it with extraterritorial zoning jurisdiction. That is the proper term because that's the way our current statutes deal with it and, like I said, to bring those adequate and to harmonize those, we need that language associated with it. This has been agreed to by all the parties. It's understanding that, as Senator Landis and I pointed out, that this is a flip of LB 78. That's on the record. That's what this amendment does is it deals with that record discussion. I would ask for the adoption of AM3162. Short of any questions of anything involved with that amendment or the bill, I'd ask for the advancement of LB 1249. Thank you.