

April 10, 1975

SENATOR MILLS: OK. So then the only penalty as you go. I want to clarify that penalty section. The only penalty they've got is they're gonna put it in . . . publish it in the paper and say you people haven't been doing what you should do.

SENATOR BEREUTER: After giving the community 40 days of confidential period of time.

SENATOR MILLS: And you mentioned the suit. Now who would bring suit? Individuals?

SENATOR BEREUTER: Any land owner in the community could, or county.

SENATOR MILLS: Thank you.

PRESIDENT: For the edification of the members, the names I have on my list and in the order that I will call on you are Senators Koch, Stoney, Rasmussen, Dickinson, Duis, Murphy, Schmit, Keyes and Rumery. The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President, members of the body, I have a question of Senator Bereuter if he'd yield.

SENATOR BEREUTER: Yes.

SENATOR KOCH: First of all, Senator Bereuter, I am very much in favor of what you're attempting to do but I guess the thing that bothers me is that . . . and I've visited with you before on this, is that if there is nothing in the bill that . . . where there's some type of penalty what makes us believe that these counties and cities would go along with land use planning?

SENATOR BEREUTER: There's the penalty that's not there relates only to those counties that have cities of the first class that haven't done anything. It's possible we could add a penalty. However, I think what we're doing by the passage of this bill is serving notice to the counties that if they really believe that land use planning is a local responsibility, as they enunciate, they're going to have to begin to exercise it in those parts of the state where they have particular problems. Those are areas around urban centers. That's the only way I can answer you.

SENATOR KOCH: It would appear to me that if we wanted this act to become effective, and I think that most of us do, there would be some kind of a penalty that we would prescribe after 20 months if they don't meet it. Possibly withholding some of the monies the state indirectly or directly gives back to them in terms of taxes, or in lieu of taxes.

SENATOR BEREUTER: If I may respond to that. I think that's . . . I'm hopeful, and I hope that will be a moot question because I think that all except one or two will comply without any additional urging, because only one has not expressed an intention to comply at this point.

SENATOR KOCH: Thank you.