

April 24, 1975

to respond to a contention of Senator DeCamp in his answer to Senator Lewis?

PRESIDENT: Well, the motion is to return for the specific amendment of striking the enacting clause, so...

SENATOR BEREUTER: Part of his argument, it seems to me, deals with the merit of Section 1.

PRESIDENT: Well, as I understand it, if you strike the enacting clause, it affects all sections so I suppose that would be relevant.

SENATOR BEREUTER: Then I would like to proceed and point out very briefly so that we can expedite this matter that Senator DeCamp, if he would read Section 1, will realize that it affects only four counties in this state and I specifically brought to the attention of those Senators on the floor and elsewhere that it related only to those four, Dakota, Douglas, Sargy, Lancaster. No objections are coming from those areas. Furthermore, while there is a potential loss of responsibility for land use control, it does not accrue to a state agency. It does not accrue to a state agency. It accrues to another local agency that can do it, that being county government. There is no plot there and it relates only to four counties, Senator DeCamp. Read Section 1.

PRESIDENT: Senator DeCamp, are you ready to close argument by way of reply.

SENATOR DeCAMP: Yes. He brought up several points that I was going to get to so I will go to them quickly. He is correct and he has admitted that the potential loss of lawmaking authority of municipalities does exist merely by whim of the State Office of Planning and Programming. He then says that the loss of authority goes to the county. That is correct, precisely, and the implication is also in the bill that if he finds them to be inadequate, "inadequate", never defined in the bill, never once, then they would lose their authority and who would take over then, the state. This is the only example where one man, one agency has the authority literally to say, you, cities and towns have lost your lawmaking authority because you did not fulfill my beliefs of being adequate. What is adequate? I repeat. It is never defined. Even there is no procedure for finding out. No rules and regulations procedure. Section 6, which supposedly would deal with the authority and power which is going to define this, never begins or even attempts to define what adequate is. It talks in such vague terms as something being deficient. All the Office of Planning and Programming would have to do as to take lawmaking authority away from any local... any local lawmaking body involved under this bill would be to say, we found a deficiency. You haven't corrected it to our beliefs or ideas as to what it should be. That is not adequate. Your authority is lost. Gentlemen, if you pass this bill, you will live to see the day when meat inspection and the problems there will look like tiddlywinks compared to what you are going to get out of this and expansions of it. This is not a minor land use bill. This is a monumental and major land use bill which