

April 6, 1981

LB 241

of other buildings that no longer conform. I say why should signs be singled out for this special treatment. Either the signs have a powerful lobby. I look back and I see exactly who all came down in support of this bill. It wasn't the city that supported this bill. It was sign people that supported this bill. This is, in my opinion, this is special interest legislation. We are creating a unique exception for one small industry. I think that good zoning requirements say simply that cities can deal with these problems as the cities see fit and ought not to be locked in, ought not to be locked into a compensation program which is what the Wesely bill does, but instead should be allowed to continue existing practice which it looks to me like our existing law is basically good law and ought not to be touched. I, therefore, oppose the bill.

SENATOR KAHLE: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I would like to respond to some of the arguments made in opposition to LB 241, since after having thought over the bill, I am one of its supporters. Well, I find it ironic I guess I would have to say that Senator Koch objects so strenuously to LB 241's attempt to change a city's policy, he having been before the Urban Affairs Committee and persuading us to, in fact, overrule the City of Omaha's Mayor with his ability to take a look at SID improvements and sunsetted the proposition here on the floor. However, that irony aside, I think the policy is this, that the Urban Affairs Committee and the Legislature should act upon, and that is that unlimited city powers when exercised unreasonably will be curbed by the Legislature, that, in fact, you can't grant an entire panoply of powers and then say, "Well, if the city does act unreasonably, we won't respond". In fact Senator Koch persuaded this body to respond in exactly that way and that is what Senator Wesely is doing so I think the body ought to listen to the merits of Senator Wesely's case with the exceptions that Senator Johnson pointed out. The city does have grandfather rights if they want to. However, in this case the City of Lincoln chooses not to grandfather but in fact force everyone to amortize if they want to...rather not if they want to but because the city decrees it. That a city may grandfather doesn't ensure that they will, and by passing LB 241 we ensure that they can utilize that mechanism, and if they don't, then they have to have an appropriate response. As far as this being a unique exception, actually quite the contrary is the truth. With respect to those industrial tracts, apartment houses, they are amortized perhaps but they are not torn down because of a nonconforming use. This bill or rather the existing ordinances in certain places can say that the sign will