

May 13, 1981

LB 412

SENATOR CLARK: The motion carries, the amendment is adopted. Is there anything further on the bill?

CLERK: Mr. President, I have nothing further on the bill.

SENATOR CLARK: What do you want to do with the bill Senator Warner? Kill it? I mean...pardon me.

SENATOR WARNER:Mr. President, I move that LB 412 be indefinitely postponed.

SENATOR CLARK: Move to indefinitely postpone. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I appreciate Senator Newell has a problem, that I'm not unsympathetic to. What I am unsympathetic to is the fact that Douglas County is illegally, improperly, incorrectly and with deliberate intent implementing the green belt law in a fashion that is not permitted under the wording of the law in any sense of a fashion. But, the way they are doing it presents a problem that Senator Newell is trying to address. Unfortunately the way to correct ~~that~~ problem is not to mess up the green belt law but to straighten out the Douglas County Commissioners. Now what they are doing, the law very specifically states that land that qualifies for greenbelt definition should be zoned exclusively for agriculture. An attorney general's opinion going back about four or five years that defines the word exclusively in a very narrow sense, indicating that that means absolutely no other use of any kind and they even suggested a farmer's house within the area might not be.... might be an exception to the word exclusive. I don't agree with that because there are numerous tax cases, they have gone to the Supreme Court with the word exclusive have been defined else with not that narrow of a restriction. As a matter of fact the current attorney general's office, when the current attorney general was a county attorney had people on his staff that concurred with what I am now saying that the interpretation of exclusively was ~~to~~ narrowly interpreted by the then attorney general's opinion. So we got a new attorney general, I thought sure the new attorney general will concur in the same opinion that the staff of that same person had when he was the county attorney. Well sure enough, it didn't work out that way. They sustained the original opinion. My position is that if it is a problem it ought to have a court test to find out what that definition is. There are numerous cases