

March 31, 1992

LB 369, 941

PRESIDENT MOUL: Before I recognize Senator Hartnett again, I would like to announce that the kolaches being passed out were baked by Senator Wesely's mother for his birthday which was yesterday. Happy Birthday to the Senator. Thank you. Senator Hartnett will now proceed with Section 2.

SENATOR HARTNETT: The second part of this bill is on your handout there. It deals with LB 941, a bill by Senator Lynch. Restricts the authority of the zoning board of appeals in metropolitan class cities; removes their authority to issue "use" variances; remove jurisdiction over land or structures in the flood plains; removes authority to modify restrictions uniquely imposed on a particular property; and removes authority to grant use variances not authorized by the zoning code.

PRESIDENT MOUL: Thank you, Senator Hartnett. Mr. Clerk, an amendment to the amendment.

CLERK: Madam President, Senator Lynch would move to amend this portion of Senator Hartnett's amendment. (See FA339 on page 1736 of the Legislative Journal.)

PRESIDENT MOUL: Senator Lynch.

SENATOR LYNCH: Madam President and members, my amendment simply would provide taking out on page 6 of the bill, Section ...the third and fourth lines. This was an amendment apparently placed into the bill by the committee after the committee had already had the hearing and discussed the bill. I have to explain the reason for this. In Ponca Hills, which is in a rural part of my district, it is called...it is within what is called the three-mile limit. This three-mile limit is an area of jurisdiction for city planning and zoning purposes. It existed a long time ago, and rightfully so, because the county, at one time, had no planning and zoning. As a result of that, there was very little uniformity as the city annexed. However, since then, that no longer is true but that three-mile limit still continues to exist. The people within that three-mile limit have no right to vote for the people in the city who make these planning and zoning jurisdictions. I think that is terrible that we still have a system of government in this state that provides authority by some agencies, not even elected officials, in this case a board of appeals, over people when they have no right to vote, or no right to interfere, or no right, in some cases, to even influence. Now in the case of dumping, there has

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