

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 870

SPEAKER KRISTENSEN: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 20 ayes, 0 nays to place the house under call.

SPEAKER KRISTENSEN: The house is under call. Will all members please report to the Chamber who are not excused and record your presence. Senator Preister, I'll recognize you to continue and your time is running. Thank you.

SENATOR PREISTER: Thank you, Mr. President. I appreciate the opportunity to close and I will allow, at the end, some time for Senator Dierks, if he would like to add anything to my closing. The amendment, for my colleagues who are here, is one that would, and I appreciate that Senator Wehrbein did say this last time he spoke that it perhaps does not add an additional hoop. That's certainly not how I view it. This is not another hoop. It does require that the applicant take the responsibility to comply with local zoning ordinances. They currently have to comply with local zoning ordinances, so we're not making them do something that they don't already have to do in that regard. What we are saying, though, is that they do it before they submit their application. That's essentially the change. Before the application they have the local zoning officials signing off. And I did hear from the Urban Affairs Committee Counsel that I was accurate in my statement to Senator Dierks. Planning commissions only are recommending bodies and that's statewide. They don't have the authority to approve or deny. They can only recommend and then it's the county board that has the authority. I don't know the specific case in Sarpy County, but I think the application was withdrawn and that it wasn't the county board or really the planning commission that made that determination, although they made a recommendation. The amendment essentially puts the responsibility on the applicant to get the authority in advance of submitting the application. They already need to comply. Currently, the DEQ does require that in the application they acknowledge that they are in full compliance with all existing zoning and other regulations, so this basically applies in counties where there is existing regulation, where there is existing zoning regulation. Doesn't