

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 5, 2000

LB 1234

land uses within the scenic river area. They pointed out that they had failed to screen a junkyard, that they had failed to properly manage where campsites could be. They had failed to control development close to the river. So you can see there are only two ways of dealing with those kinds of problems. Either you have the federal government come in and take the land and decide what they're going to do with their own land once they've taken it, or put prohibitive easements on it, or you can establish in somebody a zoning power that retains the private ownership but has some control over the uses in the area. And so the response that we're trying to give to this court decision is to go the zoning power, local zoning power, route. Senator, you think that...Senator Dierks, do you think that's given you an adequate flavor of the case? Let me...let me go on and try to respond to Senator Wickersham's observations, which I...which I think are good ones. There's nothing with respect to a National Park Service person being on the board. First of all, let me say that a Park Service person was on the prior board and it's very important to the Park Service that they at least have one person on the board, so the Park Service person would be one of fifteen. However, it...Senator Wickersham is certainly correct, there's no requirement that it be a...that he or she be a resident of Nebraska, although, as Senator Jones points out, the Governor has the opportunity to be sure that they are a resident of Nebraska. However, Senator Wickersham, we're interested at this point in time or next year when we put in the refinements, I certainly have no objection to and at this moment I don't know if the Park Service has any objection to that person being a resident of Nebraska. That was an interesting point that I simply hadn't thought about. With regard to whether the council would want to purchase land, they really had no desire to purchase land, except the question that has come up is the question of a limited number of access points to the river, and it may be that they would want to have, for a variety of reasons, have under their control certain limited small acreages that are access points to the river. Understand there's no eminent domain here. There's no power to take land, but there are a couple of access points that involve land that really should probably be under...under public control. That's what the council expressed an interest in and that's primarily why that's there. With respect to the zoning and why a two-thirds majority should not be required for the adoption of