

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

February 20, 2003 LB 186

only could they be put in, but in counties that do not have zoning, absent some terrible nuisance situation, there wouldn't even be any requirement for screening with plants or otherwise. They would be completely unregulated, except by nuisance law, which we know is only effective in the most egregious situations. So that byway would have four counties that have no zoning. And I might point out that two of those counties, Furnas and Nuckolls, have no zoning-related plans. That is, they haven't moved to develop a comprehensive plan. They apparently intend to go forward without any zoning indefinitely into the future, which is their prerogative under current law. But we should understand in the context of this situation that that means at least two of those counties for the foreseeable future will have no mechanism for regulating junkyards along the scenic byway. Furthermore, if you look up north into the Niobrara area, you will see up there the Outlaw Trail Scenic Byway goes through Boyd County. Boyd County has no zoning. Boyd County does not even have a comprehensive plan at this particular point in time. So that byway would be susceptible to the establishment of junkyards along a very long stretch of it. If you look in eastern Nebraska, there's a byway that goes north and south along the Missouri River, the Lewis and Clark Scenic Byway. Here in this year when we're celebrating the journey of Lewis and Clark and we've established a byway in Nebraska to celebrate that early nineteenth-century journey. Thurston County, which is a major portion of that byway, has no zoning whatsoever. And Thurston County is one of the counties that has no zoning-related plans. So they will probably have no zoning into the indefinite future, which means, again, there is...there could be no local regulation, even if you wanted to have local regulation. So I wanted to make...to show the body how the zoning related to the current byway situation. But that's only a part of my argument. I feel very deeply that there are certain matters that should be a regional approach, and that by requiring Department of Roads permits for junkyards within 1,000 feet of a highway, that that is a regional approach, and that the general will of the people in all areas of the state not to have junkyards ought to prevail over any two- or three-member board of commissioners who somewhere along the way might decide otherwise and ruin it for everybody. I think that we are starting to make efforts in the area of tourism in this state.