

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

February 20, 2003 LB 186

SENATOR WEHRBEIN: Mr. President, members of the body, I guess I'm going to plow some old ground, so we can get started on this. I am tempted to support Senator Beutler's bill. I'd like to ask Senator Baker a question, if I might, please, first of all.

SENATOR CUDABACK: Senator Baker, would you respond?

SENATOR WEHRBEIN: Senator Baker, would you mind repeating the reason that we have this bill in front of us?

SENATOR BAKER: Yes, I would respond. The reason we have this bill before us is, in actuality, reality, State Department of Roads isn't doing anything with this thing anyway. Show me a case where the Department of Roads has issued any sort of an injunction or anything in the last 20 years. And they simply feel that they need to get it back to the county level. You have nuisance laws on the county level and so on that they can adhere to and address these. And you'll see that there are several of these going on. The one over at Ashland right now, it's in court. Department of Roads had nothing to do with that. The one down in Senator Vrtiska's county, Pawnee County, the Department of Roads doesn't have anything to do with that. That's a local issue handled on a local basis.

SENATOR WEHRBEIN: Well, I...thank you. That's part of my concern. And Senator Beutler, would you mind repeating what you said about how far out from a road that the Department of Roads, if they were to do this, has jurisdiction? Did you say 1,000 feet?

SENATOR CUDABACK: Senator Beutler.

SENATOR BEUTLER: Yes. Senator, the statute is brief, and I can just read it to you. No person shall locate or maintain a junkyard any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any road, without obtaining...

SENATOR WEHRBEIN: Right now that includes state highways too, wouldn't it?