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LB 754

SENATOR CUDABACK: Thank you, Senator Thompson. Senator McDonald.

SENATOR McDONALD: Mr. President, members of the body, I know that when I had spoken about Hamilton County previously with Darla Svoboda, who is the Hamilton County zoning administrator, had a few comments on the amendments to LB 754. Now I know that Hamilton County is a zoned county and Darla Svoboda does an excellent job there and does the process correctly, as Erdman had said and had said that many of the other counties probably should follow the zoning that Hamilton County has. But let me just read to you what she wrote to me: I've been on the phone for the last couple of days talking to Senator Kremer's office, Larry Dix and John Hansen. This amendment is a lawsuit waiting to happen. I believe that the final determination language needs to be removed. The final determination language is very confusing. I read it to mean that the final determination would come after the state or federal requirements, and that the county could impose special conditions or requirements that in the final determination...which would not be legal unless you went back through the public hearing process. The county board cannot take action on zoning issues without recommendation from the planning commission, and both government bodies fall under the open meeting laws. Also, the "timely manner" language is a lawsuit issue in and of itself. The final determination language is only going to make the process confusing and is not needed. Besides, it makes no sense. So even those counties that do have zoning and do a very good job of it are very, very concerned about some of the terms that are in this bill. I guess that we certainly need to look at livestock friendly, and livestock friendly is very important to the whole state of Nebraska. We need to be a livestock friendly state. But I think the issue is not with being livestock friendly. The issue and the problem is, and the reason that we're getting a lot of concern on this, is the zoning issue in Chapter 23 and I think if we could eliminate that whole area that this problem would go away. We are still livestock friendly. Local zoning could still take control and everybody would be supporting this bill. At this time, I'll turn my time to Senator Beutler.

SENATOR CUDABACK: Senator Beutler, about two and a half