

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

May 5, 2003

LB 754

Reason number one is that this can be done anyway if the counties want to do it. Remember in this bill we have in no way disturbed the substantive law with regard to what counties can do. We didn't tell the counties to change any substantive provisions of their zoning law, right? But we did tell the Department of Ag that they could go out and work with the counties to change their substantive provisions, right? Same thing should happen with procedure. Why are we telling the counties to change their procedure when it's unclear that the procedure they currently have is a bad procedure in the first place? Why not do the same thing? Tell the Department of Ag to go out and talk to the counties about changing their procedures. Everything that's being suggested in this bill can be voluntarily done by a county. They can do it if they choose to do it. Why not put it in the same category as substantive change and say to the Department of Ag, go out and talk to each individual county and if they want to change their procedures, fine; if they want to change their substantive law, fine. Why are we forcing the counties to change their substantive law...to change their procedural law, but we don't force them to change their substantive law? It doesn't make any sense. Secondly, second main reason, you're adding a lot of confusion to the law. The definition of what is "timely manner" is going to have to be put into place. What is a final determination? And, by the way, it appears you're creating an extra appeal if what Senator Bromm is saying about Section 23-168, because you'll be able to appeal the matter once it's made initially and you'll be able to then appeal it again once it comes back around after the permit process. So you're complicating the legal process. Furthermore, there are other terms involving what's reasonable in terms of information to be submitted now that we've eliminated the pure rationale of relevant information. So I would suggest that you're creating a great many of problems. You're forcing the counties to do that which obviously a lot of them don't want to do, otherwise we wouldn't be having this long debate. You're forcing it on them when, under the terms of the bill, even if you adopt this amendment, the Department of Ag could go out and suggest that they use these procedures that were in this bill and they could comply. I think you should treat procedural change here the same as you treat substantive change, and that is leave it to a matter of negotiation between