

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

March 24, 2004 LB 973, 1008

the process in a clearer and more accurate fashion. There are a few substantive changes. Senator Erdman has pointed out one of them, which was courtesy of a suggestion he made on General File. And those are the other ones which I announced in my opening. I'd ask for the adoption of AM3225.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the closing on AM3225, offered by Senator Landis. The question before the body is, shall that amendment be adopted? All in favor vote aye, opposed nay. We're voting on adoption of the Landis amendment, AM3225. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Landis' amendment.

SENATOR CUDABACK: The amendment has been adopted. Mr. Clerk, next amendment.

CLERK: Senator Landis offers AM3365. (Legislative Journal page 1229.)

SENATOR CUDABACK: Senator Landis, to open on AM3365 to LB 973.

SENATOR LANDIS: Thank you. This was LB 1008, reported out by the Urban Affairs Committee unanimously. And if there was a consent calendar, it would appear on it. It has to do with appeals, as the previous amendment did, and it has to do with property. But it is in a different area, and that is in the zoning area. The Nebraska Court of Appeals recently, in the case of Niewohner v. Antelope County Board of Adjustment, ruled that county statutes required that appeals of the work of the county...Antelope County Board of Adjustment, would go rather to the Antelope County Board of Adjustment from appeals from the county board of supervisors, which was a rather bizarre outcome, because the Antelope County Board of Adjustment is appointed by the county board of supervisors. So you had the appeals court saying, gosh, state law seems to say, you take a county board appeal, and you take it to a board that the county board appointed, which is, I think, exactly the point that Senator Loudon was making before. That would be a rather silly