

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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FLOOR DEBATE

March 24, 2004 LB 973

application of law to have the county board appointing an administrative body who would hear the appeals from the county board itself. So what this bill does is to take both the county and the municipal rules in this area, and say, the elected officials are the highest authority, and that if there is an appeal from them, you go to district court. What you don't do is go to an appointed board, in either a city level or a county level, that the city or the county appointed, and place the appointed board above the elected board. So the same issues for the counties are at issue, and the cities. And this, essentially, has the support of the League of Municipalities and of NACO. There are sections that are implicated, and what it says is, appeals on property will go to the elected boards, and from there they'll go to the district court, rather than to an appointed body between those two that are, in fact, appointed by the very boards that are being...the elected boards that appointed those appointive boards. The area is zoning, not taxation. But I'd still ask for the adoption of AM3365 to the bill, and ask for your adoption of this concept. I, by the way, think I must have a good supporter in Senator Loudon, because I think he'd endorse the idea that the elected official should have the last word, and not the appointive official that was chosen by the elected official and then placing them above the elected official. That's a pretty nonsensical result.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the opening on AM3365, offered by Senator Landis to LB 973. Open for discussion on that motion. Senator Landis, there are no lights on. Did you wish to close?

SENATOR LANDIS: Yes. I'd just say that this stands for the proposition that the elected official has the highest level of local responsibility. And from there, if there is an appeal, it goes to the court system, not to an appointive body created by the local officials themselves. Thank you.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the closing on AM3365. The question before the body is, shall AM3365 be adopted? All in favor vote aye, opposed nay. The question before the body is the Landis amendment to LB 973. Have you all voted who care to? Record please, Mr. Clerk.