

February 26, 1973

SENATOR NORE: For a question.

SPEAKER: Do you want to ask Senator Keyes a question?

SENATOR NORE: Senator Keyes, yes.

SPEAKER: Senator Keyes, will you yield to another question?

SENATOR NORE: Senator Keyes, if we had had L.B. 298 15 years ago, we'd still have those feed lots in the center of Omaha, is that true.

SENATOR KEYES: Senator Nore, no.

SPEAKER: All right. Any more questions? Senator Syas?

SENATOR SYAS: Just one question, and that is, Senator Keyes, is it not true that regardless of how the county zones and a, we'll say an SID does build next to one and the SID has, we'll say, by the county the right to build, I mean they have authority on zoning and also you have a feedlot there, what you're saying in this bill, is it not true, that in a sense the feedlot was there first, that they can't be touched but, Senator Keyes, my question is, I think that according to the Attorney General's opinion that's in your book that I received Friday, some citizens, if he's harmed, can still sue the feedlot.

SENATOR KEYES: On the EPA he could but he could not come in and the land that was around this feedlot zoned and the county board, the county planning board will set up the zoning whether it's one mile or two miles, like city, they will set it up, it's their prerogative to do so and they will be able to protect that commercial feeder.

SENATOR SYAS: You think that regardless of the Attorney General's opinion, a person can't sue?

SENATOR KEYES: Well, I don't say he couldn't sue under the EPA. I'm saying--

SENATOR SYAS: Believe the--all right, go ahead.

SENATOR KEYES: I'm saying that under this, if the county board zoned one mile around this commercial feedlot, that a man could not go in there, buy 160 acres of land, put it in an SID district and go ahead and try to move the cattle feeder out. The cattle feeder would have grandfather rights priority.

SENATOR SYAS: I understand that. What my question is though, Senator Keyes, is, I'm, is a little bit different. I am saying though, that you cannot take the right, regardless of the zoning, you can in the zoning on a feedlot. You cannot take the right of a person away from him to sue.

SENATOR KEYES: Oh no, we're not trying to do that, Senator Syas.

SENATOR SYAS: All right.

SPEAKER: Any more questions? Senator Dickinson.

SENATOR DICKINSON: Would Senator Keyes yield to a question, please?

SPEAKER: Senator Keyes, will you yield?

SENATOR KEYES: Yes sir.