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LB 353

SENATOR VENDITTE: So in other words, I have that guaranteed right that no one can build a tree, no one can build a building so long as I have solar access, then is that correct?

SENATOR HOAGLAND: Only if the owner of that property has agreed that his property rights should be limited. Now if he hasn't agreed to limit his property rights that way, why then the fact that you have a solar unit next door will not affect the use of his property.

SENATOR VENDITTE: Pete, stay standing. I have just a couple of more questions. On page 4, lines 22 on, could you very, very briefly explain that?

SENATOR HOAGLAND: Yes, what those lines provide is that once an agreement is reached between you and your neighbor, why then that agreement is recorded with the Register of Deeds and it is binding on anybody that your neighbor may subsequently sell the property to.

SENATOR VENDITTE: That is fine. Senator Hoagland, again on page 5 in section 11, subsection (3), any terms of conditions under which the solar sky space easement is granted or may be terminated. When and why?

SENATOR HOAGLAND: It may be, for instance, that you and your neighbor will agree that the solar sky space agreement should terminate of its own within fifty years or within thirty years. Now what that provision says that if you make such an agreement to that effect, why that has to be included in the agreement that is recorded with the Register of Deeds so that everybody will know, for instance, that it is suppose to terminate in thirty years or in fifty years.

SENATOR VENDITTE: Peter, one final question, why on page 6, section 14, why is that necessary?

SENATOR HOAGLAND: The reason that section is in there, Senator, is that it grants local zoning authorities the right to grant a variance in the event that existing solar regulations don't permit the protection of a standing solar unit. Do you follow?

SENATOR VENDITTE: Okay, the "variance" is the word that kind of puzzles me just a little bit.

SENATOR HOADLAND: A variance is a standard term in zoning law.

SENATOR VENDITTE: So in other words, someone could be granted