

March 27, 1981

LB 173

SENATOR SCHMIT: Why don't we let Senator Warner handle the amendments.

SENATOR CLARK: Senator Warner, the committee amendments.

SENATOR WARNER: Yes, Mr. President, I move adoption of the committee amendments. All of them, as pointed out in the committee statement, essentially clarify or change the wording but no way changes the purpose of the bill as it was originally introduced. To give you a brief explanation what the bill in general does is establishes by statute the method in which easements can be given to a governmental agency or to a nonprofit charitable type corporation to hold easement over property to retain some aspect of it if it serves a public purpose and these kinds of easements are authorized I think in thirty-five states. They do qualify if there is a value involved under IRS for a gift type tax exemption and the amendments in part, the committee amendments, clarify the language so that it is consistent with what IRS requires. Secondly, it clarifies the procedure in which the local unit of government having zoning jurisdiction in the subject property can approve or disapprove the granting of easements to ensure that orderly growth of the community is not interfered with in any way. Then there is a couple of things in the committee amendments that takes out some language that appears elsewhere in statutes and would be duplicative. I also have an amendment to the committee amendment that I would move its adoption and all that that does is we had written a letter to the Attorney General asking about the approval of the local governing board on covering zoning on any of these easements and the response of the Attorney General indicated there needed to be some additional standards of which the local governing board would judge those requests by and my amendment to the committee amendment puts in those necessary standards language. I would move adoption of my amendment to the committee amendment first.

SENATOR CLARK: The motion before the House is the adoption of the Warner to the committee amendments. All those in favor vote aye, opposed no. Record the vote.

CLERK: 19 ayes, 0 nays on adoption of the Warner amendment to the committee amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Now the committee amendments. The motion before the House is the adoption of the committee amendments. All those in favor vote aye, opposed no. Have you all voted?

CLERK: Senator Clark voting aye.