

SENATOR LANDIS: Let me ask again, Senator Morrissey, would you tell us which of these amendments it is, because I was trying to...oh, here's the page number.

SENATOR MORRISSEY: 1483 is the amendment.

SENATOR LANDIS: And this is the one on the appeal process, is it not?

SENATOR MORRISSEY: Yes.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I rise to speak in favor of this amendment. The original bill, 827, changes the standard that this body adopted, two years ago, in a comprehensive change of all appeals by administrative agencies. We had an old screwed up system. The State Bar Association did a study on it. We passed a 300-page bill, introduced by Senator Abboud. Senator Abboud's bill called for a trial de novo on the record by the district court, and then an appeal on error in the Supreme Court, because for some nonsensical reason we had those two standards reversed in a good portion of our law. Now, we made the standard practice, you come out of an administrative agency, you go to the district court, you have a trial de novo on the record, you go to the Supreme Court on error. A funnel, if you will, of issues. And a funnel of factual material to be reviewed by the court. LB 827 makes a variation from that standard policy across the board for one and only one issue, and that is granting the license. It doesn't do it because of the whole general area of low-level waste, it doesn't do it as an exception just because of the DEC, it does it on one and only one issue, which flies in the face of everything we did two years ago. Now, the appropriate standard here to do is trial de novo on the record in district court, and then appeal on error to the Supreme Court. But apparently we've thrown that idea out on the first time we talked about it. If you are not going to be standard against all the rest of administrative appeals, many of which, I think, are very critical in this state but, if you're not going to be standard, I sure don't understand why one and only one of the issues surrounding this, which is the granting of a license, gets the expedited treatment while any of the lifting of the license procedures don't get the same treatment. Actually, I'm going to vote for Senator Morrissey's amendment because I think it at least draws a level of standardization. It's not my most preferable public policy,