

February 21, 1995 LB 830

SENATOR BEUTLER: Would it also require written notice to all public entities? I mean, I think notice to the public entity is provided but would this make it the requirement that it be written?

SENATOR BROMM: In that section of LB 830, on page 11,...

SENATOR BEUTLER: I guess a copy of the...

SENATOR BROMM: I think a copy of the application is furnished to...

SENATOR BEUTLER: Okay.

SENATOR BROMM: ...a governing body of any other public bodies whose operation is covered in whole or in part in the proposed area. That, to me, would require notice to all public entities within that area.

SENATOR BEUTLER: Okay. Then let me ask you this with regard to your intent. This subsection 3 requiring these notices, let's say that altogether there were 11 notices required in writing and one was missed, one to one other private landowners, do you envision this provision then empowering that particular missed landowner to file suit and claim that the project should or could be held up because he was not given...he or she was not given proper notice? Or do you see this whole section 3 as a substantial compliance provision? I guess there...I don't...I'm not sure how this provision would be interpreted in law. Would it be the one term is substantial compliance, in which case if you missed one of 11 accidentally, they would probably say there was a good faith effort to comply and that's not a problem. Or is it...is that mandatory that each and every one be notified, otherwise, in writing, otherwise your whole...your whole operation is upset? And I guess I'm assuming that both you and Senator Coordsen intend this to be substantial...a substantial compliance section but maybe I'm wrong. Could you enlighten me as to what your intent is?

SENATOR BROMM: Okay, I can enlighten you as to what my intent is, Senator Beutler. In reading the law as I have so far, I'm not sure whether my intent is the way it would be interpreted by others but my intent would be that it would be a substantial compliance, good faith standard, you would make an effort to