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LB 870

to ask Senator Preister an opinion if I...or a question if I may.

SPEAKER KRISTENSEN: Senator Preister, would you respond?

SENATOR PREISTER: Certainly.

SENATOR BROMM: Senator Preister, in the second page of your amendment, the last sentence, it says, "An appeal may be taken from any final decision of the director, and the appeal shall be in accordance with the Administrative Procedure Act." Now who is that referring to that may take an appeal from that decision?

SENATOR PREISTER: Senator, the applicant who may not like the ruling would, according to the Administrative Appeals Procedure Act, have an opportunity to appeal that denial or the ruling of DEQ, basically the applicant.

SENATOR BROMM: Okay, the sentence before that says, "Upon completion of the public hearing, the department shall have sixty days within which to transmit its findings, conclusions, and reasons for approval or disapproval to the applicant and any interested person who has requested receipt of the final decision of the department." Then it says an appeal may be taken from any final decision of the director. So does not your intent to include any interested person in saying who could appeal from that decision that they've requested to receive? Is that right or?

SENATOR PREISTER: Well, I think certainly it could be open to that interpretation, and certainly a person who thought that it was a wrong decision would have that opportunity under the Administrative Procedure Act. As I think about it now in discussing it with you, I think it would probably also include the parties in the area aside from the applicant.

SENATOR BROMM: Okay. And this is again a very difficult aspect of this whole thing.

SPEAKER KRISTENSEN: One minute.

SENATOR BROMM: But if we make it possible for anyone who is "an