

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 7, 2003 LB 754

SENATOR CHAMBERS: So any of these big outfits which feels it is not getting as hasty or quick a response as is desired can take the one who is to make this decision to court, arguing that a decision has not been timely issued. Isn't that true?

SENATOR KREMER: That could be, as far as I know.

SENATOR CHAMBERS: Why was there no definition of "timely" put into the bill?

SENATOR KREMER: I can't answer that. Probably was an oversight.

SENATOR CHAMBERS: Thank you, Senator Kremer. And I don't think it's an oversight. If a definition...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...of "timely" had been put into the bill, it would put a restriction and a deadline on the commission or the board as to when they must give a decision. So by leaving it like this, these big operations have an entree to the courts to try to compel the board or the commission to render a decision. And people might say, well, that's what the ultimate goal is anyway; they're going to have to render one. But the additional overlay of litigation, putting a hammer in the hands of these big operations, is not what I think ought to be adopted as a public policy. I'm going to offer some amendments to this bill, because I think it is not good public policy. And in order that those who support this bill will know which amendment that I would offer that I think is major, I will tell you what it is. It would strike the language that says the state would declare or proclaim a county...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...a livestock friendly county. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator