

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

April 7, 2003            LB 754

question. This bill says that when a decision is made either to grant or to deny a permit, a statement as to why the decision was made, regardless of which way it went. You agree that that's in the bill?

SPEAKER BROMM: Yes.

SENATOR CHAMBERS: There is nothing in the bill that says what will happen if such a statement is not issued, is there?

SPEAKER BROMM: No.

SENATOR CHAMBERS: If the statement is issued, there is nothing in this bill which says that if every requirement that had been laid down, or every condition had been met by the applicant, that a permit must be granted. That's not required in the bill either, is it?

SPEAKER BROMM: No.

SENATOR CHAMBERS: There is nothing that would suggest that simply because all of the conditions had been met, that the permit had to be granted. So the board or the planning commission could just make the statement that despite the fact that these various conditions had been met, it is the opinion of this board that granting a permit at this time would not be in the best interest of the county's residents. That could be the sum total of the statement, couldn't it?

SPEAKER BROMM: It could be. But I think a statement like that would be more subject to litigation than if they had objective reasons for their finding,...

SENATOR CHAMBERS: All right, now...

SPEAKER BROMM: ...for their decision. And that's part of what we're dealing with here.

SENATOR CHAMBERS: Now, litigation would be only for the purpose of making the board comply with the language of the bill. Isn't that true?