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LB 754

SPEAKER BROMM: Well, no. Generally litigation in the zoning area is an attempt to overturn either an illegal granting or denial of a permit, which, maybe they didn't follow the right procedures or something,...

SENATOR CHAMBERS: But here's what I'm getting to. If that statement contained only the language that I had mentioned to you, is felt by the applicant to be inadequate, the applicant would bring a lawsuit pursuant to the language of this bill which says that a statement must contain facts. That would be the cause of action, based on that statement being inadequate. Isn't that true?

SPEAKER BROMM: That could be one.

SENATOR CHAMBERS: And the only remedy or relief a court could give, if it decided to agree with the applicant, is that the board shall issue a statement containing facts.

SPEAKER BROMM: Uh-huh.

SENATOR CHAMBERS: That would be the only issue.

SPEAKER BROMM: That could be. That could be.

SENATOR CHAMBERS: So let's say that the board then is required to issue a statement. And the board issues...it lists all these things that the applicant went through. Then it says, the factual basis for our denying this application is that in response to concerns expressed by the community, concerns with which we agree, and list those concerns, we do not feel it is appropriate to issue a permit at this time. That would meet the factual requirement, whether somebody agreed with those facts or not. Would in't it?

SPEAKER BROMM: Well, I don't think that's the kind of facts we're talking about. That's...if you're talking about public pressure, that's exactly what we're trying to work through here, Senator Chambers.