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LB 754

SENATOR CHAMBERS: But, Senator Bromm, where do you see anything in the bill that says the kind of fact listing I mentioned is not the kind of facts aimed at in this bill?

SPEAKER BROMM: You could be right, but I...

SENATOR CHAMBERS: There's nothing in here that...

SPEAKER BROMM: ...but I could give you a scenario entirely different than that where the findings would be very objective, and less likely to be considered arbitrary and capricious,...

SENATOR CHAMBERS: But,...

SPEAKER BROMM: .. which is kind of the standard for review, is arbitrary and capricious.

SENATOR CHAMBERS: But those are subjective judgments that you and I, on opposite sides of the issue, will make in order to advocate for our position. What you feel is objective, I feel is the contrary. What I feel is objective, you feel is the contrary.

SPEAKER BROMM: Well,...

SENATOR CHAMBERS: And that's why it winds up going to court.

SPEAKER BROMM: I think if you can show that you've got a grape grower within 500 yards and that dust from this applicant would likely injure the grape operation, and that is in the record, you've got every reason to feel it's not in the best interest to grant the permit. On the other hand, if somebody ten miles away comes in and says, I don't want this because I know that there might be a wind that will carry the smell to my house, well, there should be a little bit more objectivity, I think, than that.

SENATOR CHAMBERS: But, Senator Bromm, you're getting into, now, the validity or weight to be accorded a fact. Anything that is asserted, which is true, is a fact. How much weight it is to be accorded would be for a court to determine. And the county