

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

April 7, 2003

LB 754

SENATOR CUDABACK: Senator Bromm, would you yield to a question from Senator Chambers?

SENATOR CHAMBERS: And as Senator Bromm gets ready, I have to say that, what Senator Wehrbein said, I cannot quarrel with that, but I still have a quarrel with the bill and there are some differences of philosophy and policy that I'm sure he recognizes in what I'm saying and what he is saying. Senator Bromm, going to page 5, dealing with this new language about the conditional use permit and the request that a determination be given to the applicant, are you with me?

SPEAKER BROMM: Yes.

SENATOR CHAMBERS: Okay. And with your amendment, we would be in line 17, upon request the commission or board shall issue such final determination in a timely manner. The very next sentence says, such final determination may be issued subject to such conditions as are imposed...I would change, identified, but anyway, as are identified by the commission and so forth. Why, in one sentence, is the word "shall" there and in the very next sentence, when we're talking about the determination, the word "may" is used? I'm sure there's a reason, but I'm missing it.

SPEAKER BROMM: Yeah. The "shall" is there because the thrust of that sentence is to require that the determination be given in a timely manner. The "may" is used in the next sentence because it's up to that county planning commission or county board as to whether they wish to issue it subject to conditions or not. There could be...it could be just simply approved or a determination made as it is, or there could be conditions attached to the determination. That's why it's "may" in that next sentence. That's discretionary with the commission or the county board.

SENATOR CHAMBERS: Then, I guess it might be on page 6, where we're talking about a statement that has to be submitted along with a decision. If the county...on page 6.

SPEAKER BROMM: Yes. I gotcha.