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SENATOR CHAMBERS: But there is nothing in the law right now that requires a statement of factual findings to undergird the decision that was made by the board.

SPEAKER BROMM: No, but the standard again is kind of arbitrary and capricious. If the appellant can convince the court that the board was arbitrary and capricious, then they may overturn the board's decision or send it back to them for further consideration, and findings of fact are generally the opposite of arbitrary and capricious. That is a basis for the decision, is what it is.

SENATOR CHAMBERS: And all of that exists right now, doesn't it?

SPEAKER BROMM: It does.

SENATOR CHAMBERS: But to show that something different is being added, you are requiring the board or commission to go on record in writing...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...in a way that might give one side or the other a stronger basis for winning than exists right now,...

SPEAKER BROMM: Or it...

SENATOR CHAMBERS: ...because right now the commission does not have to make such a statement of factual findings.

SPEAKER BROMM: Or it might convince that person that an appeal would be fruitless or futile.

SENATOR CHAMBERS: So there is a difference that...

SPEAKER BROMM: It could be...it could cut either way, you know.

SENATOR CHAMBERS: But that is not in the law right now, but it would be there if this language is adopted requiring that statement of factual findings. Would you agree?