

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

May 5, 2003

LB 754

final determination of the special conditions or requirements to be imposed has been made, final permit approval may be withheld. I would strike everything after that and insert this language: in conformity with subsection (6) of this section. And subsection (6) talks about the requirement of the county board or the planning board, zoning board, to issue such final determination. Oh, that's what you've stricken. In subsection (6) about the finding of facts that would have to be presented, and that language says, on page 6 of AM7099: "Whenever a county planning commission or county board is authorized to grant conditional uses or special exceptions pursuant to subsections (4) or (5) of this section, the planning commission or county board shall, with its decision to grant or deny a conditional use permit or special exception, issue a statement of factual findings arising from the record of proceedings that support the granting or denial of the conditional use permit or special exception." Why is not that sufficient? That way, you could have the top part of your amendment down to the end of line 18, and I will read again what my amendment would do, one that I would propose, if the body doesn't want to do what Senator Beutler is suggesting and strike all of this. Starting in line 16 of your amendment: If a final determination of the special conditions or requirements to be imposed has been made, final permit approval may be withheld in conformity with subsection (6) of this section. And subsection (6) deals with what I just read, the requirement of the finding of facts based on the record of proceedings that would grant either the withholding or the issuance. With that in the law already, why do we need this that I want to strike which would bring about confusion? And you can think about it awhile and digest it, because I don't want you to give a snap answer because it might automatically be no. So that is what I would like you to consider, and I won't ask you to answer right now. I'll continue with my presentation. Members of the Legislature, many of you may not be reading along with me, and I know Senator Jones is not reading along with me, although he called the question. I'd like to ask Senator Jones a question. Senator Jones, do you have a copy of Senator Bromm's amendment? It would be AM1577, where he strikes the existing Section 5 and substitutes it?