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LB 754

SENATOR CHAMBERS: Short of that, I don't believe anything will work. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Beutler.

SENATOR BEUTLER: Senator Bromm, if I could just finish my last question.

SENATOR CUDABACK: Senator Bromm, would you yield?

SPEAKER BROMM: Yes.

SENATOR BEUTLER: Two points in time: the first point in time, which is the final determination; the second point in time is the final permit approval. Okay?

SPEAKER BROMM: Yes.

SENATOR BEUTLER: At the time of the first determination, that is the final determination, can you make a condition that says that the board reserves the right to make additional conditions in the event that there is newly discovered evidence that could not have been discovered by due diligence prior to the time of the final permit decision? In other words, what I'm worried about is information that evolves between the final determination and the subsequent final permit decision, which may be very relevant to the board's decision but absent some kind of reservation could not be considered by the board because they had already made a final determination and the language in your amendment only allows consideration if there is a substantial change in the proposed use of the property or if the applicant has not or will not meet the special conditions.

SPEAKER BROMM: It's hard for me to answer that I think with a yes or no. Under the process right now, they would not have that opportunity. If a board were confronted with the decision as to whether to issue a permit or not, I guess they would not have the opportunity that you're asking me...