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LB 962

SENATOR SCHROCK: Senator Chambers, would you like my time?

SENATOR CHAMBERS: Thank you. Oh. Senator Schrock, I can't get away from that mediation. And we're going to break pretty soon, so let me bother you one more issue. If this Water Review Board votes a certain way, then that decision that their vote endorses does take effect, unlike with that other voluntary situation. Do you agree?

SENATOR SCHROCK: Yes, it does take effect.

SENATOR CHAMBERS: Is there anything in the bill that would say a person cannot challenge that board's decision in court?

SENATOR SCHROCK: I suppose you could challenge it in court. But I would think that that decision would be binding. And that's why mediation will work well, because people know that the next stage is binding.

SENATOR CHAMBERS: If, when you go on break, you remember, would you ask somebody who has worked with this bill if the final decision of the board is subject to attack in court? Because I don't know the answer from reading the bill, and if that decision is subject to being challenged in court, then I believe other things ought to be challengeable too. But again, I haven't thoroughly reviewed those areas yet. But they're some of the substantive matters that the amendments that I'm offering now don't even touch. Were you going to take the rest of your time?

SENATOR SCHROCK: You can have it. But I would...I'm getting an indication that, yes, that decision is probably challengeable in court.

SENATOR CHAMBERS: And that was what I thought, because in most cases when it might be called an administrative group or whatever makes a decision, then a person does have recourse. But I didn't know how this language had been drafted. And when we get to the part that I had mentioned earlier, where it says it's not challengeable in court, I will call it to the body's