

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3453/1dn
RCT:cjs:rs

February 12, 2004

This redraft is based on instructions from Jim Matson and on some additional discussions with Jim. Please review the draft carefully. There are numerous changes from the previous version and I have not had the time to review it as carefully as I would like.

As requested, this draft requires the findings of fact on which a political subdivision bases a standard that is more stringent than a state standard to be "scientific." It is not very clear to me what this means. I looked at dictionary definitions, but did not find that helpful. I suppose that at least this would mean that a political subdivision may not base a more strict standard on social or economic concerns. If someone challenged a siting decision on the grounds that the findings of fact for the local standard on which the decision is based are not scientific, it seems that the Livestock Facility Siting Review Board, and then any reviewing court, would decide what it means for findings of fact to be scientific. The outcome of such a review might be more likely to comply with the intent of the draft if the draft more clearly addressed this issue.

Please let me know if you have questions or redraft instructions.

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