

March 7, 1980

LB 613, 915

I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 613. (See pages 1053-1055 of the Legislative Journal.)

Mr. President, LB 915 was introduced by the Business and Labor Committee and signed by the members. (Read title.) The bill was read on January 23, referred to Ag and Environment. It was advanced to General File. There are no amendments, Mr. President.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker, members of the Legislature, this bill was brought to us by Dan Drain of the Environmental Control Council and this removes certain language, makes it easier for people that have feed lots to prove that they are not causing a nuisance and then it gives the department more control over the kind of fuel that is burned in our power plants. I will answer any questions anybody has.

SPEAKER MARVEL: Senator Venditte.

SENATOR VENDITTE: Senator Maresh, what does this mean, prima facie evidence?

SENATOR MARESH: Well at first glance or at first sight, evidence speaks for itself.

SENATOR VENDITTE: Doesn't it speak for itself, Senator?

SENATOR MARESH: What does, the bill?

SENATOR VENDITTE: No, what I am trying to understand is why are you wanting to eliminate this language?

SENATOR MARESH: The department wants to eliminate that so they...I guess...

SENATOR VENDITTE: Okay, under existing law...well with the passage...

SENATOR MARESH: It is easier for the feedlot operator to prove that he is not causing a nuisance. I notice you supported the bill, Senator Venditte, the record shows.

SENATOR VENDITTE: I guess what I am trying to understand in my mind, Senator Maresh, is simply this. The burden of proof apparently is on the person who owns the feedlot right now with existing language. He has to prove that what he has is not a nuisance. With the law the way it is