

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

February 5, 2001 LB 129

that peculiar provision that says that the director and staff of the department shall carry out their powers independently of and without prejudice to their powers and duties under other provisions of law. They've been performing this function for sometime now, I believe, why is it thought to be necessary to have this provision in the law suddenly?

SENATOR SCHROCK: Senator Beutler, I think the best way I can explain this is to give an example. The Director of the Department of Natural Resources serves on the commission and may make a recommendation. For example, he may recommend that Lake Wanahoo be built, but at some point in time, he may discover that the water has already been appropriated so there is no water for the reservoir. Now that's an example and I don't think it applies to that project. But that, he might think this is a good project, the project should be built, and then they discover that in his other capacity, as Director of the Department of Natural Resources, that there may not be any water for the project.

SENATOR BEUTLER: Okay, it just...it just seemed to me that something must have happened that called that into question, otherwise, why suddenly now are we worried about that?

SENATOR SCHROCK: Senator Beutler, I don't think there is anything happened that has precipitated this, but there is evidently someone over there brought this into question and said what if this happens in the future, what then, and that's the reason for the bill. Nothing, nothing took place that caused this to be a concern but, evidently, somebody's crystal ball says this may be a concern in the future.

SENATOR BEUTLER: Okay. Last question, on page 8 of the bill, where it talks about or provides an exemption from standards for these various small water uses that are for road construction or other public use construction, public...what is the other public use construction that would be a likely kind of construction that would be encompassed by this provision?

SENATOR SCHROCK: Senator Beutler, I can only speculate on this but I suppose if you were building a dam and needed water to