

March 11, 1981

LB 56

SENATOR CLARK: Is there any discussion on the Kremer amendment to the committee amendments? If not, all those in favor vote aye, all those opposed vote nay. Have you all voted? Record the vote.

CLERK: 22 ayes, 0 nays on the adoption of Senator Kremer amendment to the committee amendments, Mr. President.

SENATOR CLARK: The Kremer amendment is adopted. Now the committee amendments. Have you got another?

CLERK: Yes, sir. Senator Beutler now moves to amend the committee amendments by adding the word "reasonably" after the word "not" on line 9 of page 4, is that right, Senator?

SENATOR BEUTLER: After the word "meet".

CLERK: After the word, what?

SENATOR BEUTLER: "Meet".

CLERK: After the word "meet". I am sorry. Okay. Senator Beutler moves to amend by adding the word "reasonably" after the word "meet on page 4, line 9.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, this bill sets out certain criteria that the Director shall use in determining what is in the public interest in granting a permit and it lists specifically the considerations that shall be included, but it is not limited to the considerations specified. One of the considerations says, "The effect of the withdrawal and any transfer of ground water on surface or ground water supplies needed to meet anticipated domestic and agricultural demands in the area of the proposed ground water withdrawal." That is the section that I want to change simply to insert the word "reasonably" between the word "meet" and "anticipated" so that it would say "needed to meet reasonably anticipated domestic and agricultural demands". Okay, we can get in our usual big long argument about what "reasonable" means but I note for your consideration that subsection (c) uses the word "reasonably" and subsection (f) or (g), that is, uses the word "reasonably". That it is a word used in two other criteria and I think it should be inserted also in subsection (b). So that it has the effect of a limiting and narrowing the provision to some extent, that is, you can't come in and just show and just say that this is an anticipated domestic or agricultural demand. It has to, in some respect, be reasonably anticipated. It cannot be something that is totally impractical. Now that word like all words that are not precise may end up