

March 31, 1981

LB 56

would like to make for the record so that if anyone is ever concerned about the legislative intent of LB 56, one of the sections provides that LB 56 does not affect existing remedies as far as damages and injunctions are concerned. In the case law search that was performed by the staff of the Public Works Committee, they could never find a case in Nebraska and some of the neighboring states where an injunction has been issued to stop construction of a power facility on the basis of their failure...excuse me, of groundwater problems, and so we are not changing in any way, shape or form the law of the State of Nebraska. I think we would be extremely unwise to provide for injunctive relief except in very extreme cases and so I just want to make it clear that we are not changing the law as far as injunctive relief or damages are concerned in LB 56. Section 10 of LB 56 provides for suspension of a permit in certain situations, excuse me, I guess we have already covered that. The last matter I want to cover for the record is that Section 3 of LB 56 refers to withdrawal of water from the aquifers of Nebraska. 56 is intended to apply to all industrial users who withdraw three thousand or more acre feet from the aquifers even though the well field may not actually be located directly in the State of Nebraska. There may be cases where the well field would be located across the state line and we are talking about total withdrawal from the aquifer, not necessarily the location of the well field. With that, I guess that explains my amendment and the concerns I wanted to get into the record, so if anyone would interpret LB 56, they would know what the intent was. I would ask you to adopt these amendments or, excuse me, to return the bill to Select File to adopt these amendments and then return it so that we can have it read sometime in the near future. Thank you.

PRESIDENT: The Chair recognizes Senator Vickers speaking to the motion to return.

SENATOR VICKERS: Thank you, Mr. President. Mr. President, members, I wonder if Senator Cullan would respond to a question please. Senator Cullan.

PRESIDENT: Senator Cullan, will you respond? Thank you.

SENATOR VICKERS: On number 3 of your amendments, could you explain to me why you are striking the language from line 4 through the "the" on line 8? Could you explain why you are doing away with the language that mentions the existing uses of ground or surface water? I don't think I heard you explain that or at least I didn't understand it thoroughly.