

March 31, 1981

LB 56

SENATOR CULLAN: Okay, just a second, what language were you referring to, Senator Vickers?

SENATOR VICKERS: In Section 8, page 4, line 4 through line 8.

SENATOR CULLAN: Okay.

SENATOR VICKERS: If I understand amendment #3.

SENATOR CULLAN: Right, I can explain that. This is the section that provides for the waivers of liability from affected users and the language in the first part of that Section 8 was really surplusage because it said, "If it appears from the evidence at the hearing or otherwise that existing users are affected, then they could obtain waivers." We see no reason for them to wait until after the hearing, after the hearing process, to begin negotiate with landowners and that language was really a little bit confusing. So we just want to make it clear that the applicant can negotiate with users and that it would not have to wait until the hearing or wait until there was actually evidence that there would be an adverse effect. If the applicant decided that there were problems and he wanted to go out and negotiate with those landowners, we saw no reason to wait until after the hearing. So it is really not, in my opinion, not an important change. It just clarifies the timing as far as negotiating with landowners are concerned.

SENATOR VICKERS: Then the rest of the #3 where you insert "any"...any user of water, then in your estimation that would address the situation as far as ground and surface water both are concerned as mentioned up above, is that correct?

SENATOR CULLAN: Absolutely, absolutely, because we are concerned not only about the effect on other ground water users but the effect on surface water users as well.

SENATOR VICKERS: Yes, but in your opinion, that is still addressing that?

SENATOR CULLAN: Absolutely.

SENATOR VICKERS: Okay, thank you very much, Senator Cullan.

PRESIDENT: Any further discussion on Senator Cullan's motion to return LB 56? If not, Senator Cullan, you may close. No closing, the question is the return of...shall LB 56 be returned for the specific Select File amendment? All those in favor vote aye, opposed nay. Record the vote.