

April 6, 1982

LB 708

and keep it outside the ground, otherwise you must return it to the aquifer from whence it came. So really unless you want nothing at all and have people do as they darn well please in this area, then you should just kill the bill and let everybody do as they darn well please until the Legislature gets around to doing something. We are not saying this does everything. We are not saying it is perfect, but it is pretty darn good and we would urge you to support the bill and pass it and to reject the kill motion.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I am sure everybody would like to get on the books in the next, this year maybe or at least if not this year next year a good piece of legislation on this subject, but despite the atmosphere that Senators DeCamp and Nichol would like to create, I have some serious doubts as to whether this is a very well drafted bill. I might ask you to look at the green sheet...the green copy of the bill which was the original bill that went through the Banking Committee and came out of the Banking Committee. It is one little measly paragraph that was the bill and was going to be our first geothermal bill. Then that was completely stricken and the standing committee amendments introduced a whole new bill which was then expanded to six or seven paragraphs. Then that was stricken completely and now we have Request 2926 which has added a few more paragraphs, all of which is fine, but all of which I think indicates to you as it indicates to me that we were thinking about this as we went along. It wasn't very well thought out to begin with. And there are some serious problems I think with the bill as it exists. For example, it says that the Department of Water Resources shall adopt and promulgate rules and regulations governing the issuance of permits, and when you get this permit then you can go ahead and develop these geothermal resources. But it doesn't say on what basis that they will grant these permits. I mean when do you grant a permit and when don't you. It says they can promulgate rules and regulations determining when they are going to grant them and when they are not, but the bill itself says absolutely nothing, absolutely nothing about what standards will be used by the department in deciding whether to issue these permits. Now that in and of itself indicates to me that there may be some constitutional problems with regard to the delegation of powers. But beyond that it seems to me as good public policy you should at least set forth some standards with regard to how these permits are granted, otherwise the department in all probability

10326