

the comprehensive plan has to be prepared by an agency established pursuant to federal law. We don't have one of those. And then the alternative is, or a state agency of the state in which the facility is or will be located. Okay, so that's a state agency of the State of Nebraska. Well, there should give you the first clue that we don't have a comprehensive state plan because what they're talking about is the usual comprehensive state plans that many states have that their Department of Water Resources or one department, state agency or another, prepares. So you know why the Legislature is passing this resolution? I mean, if we have a comprehensive plan, why don't they just take it to the feds the way it is? The reason that we're here passing this resolution is because we're going to be the state agency. You've just been regulated to being a state agency. You aren't the Legislature anymore, you're the state agency that's finishing up this comprehensive plan today. So that's one reason. Number one, we're not the state agency doing the plan. I think that's reason number one why this is not going to meet the federal criteria.

SPEAKER BAACK: One minute.

SENATOR BEUTLER: But then it says, the commission shall treat as a state or federal comprehensive plan, a plan that is comprehensive of one or more of the beneficial uses of a waterway or waterways. Well, we don't have any plan that pertains specifically to any waterway. Then it says it has to include a description of the standards applied. Well, there are no standards implied in just saying that a conglomeration of our past laws is a plan. There is no standards in those laws. The data relied upon; what data are we presenting when we present this resolution to the federal government? There is no data behind this what we're doing. The methodology used; what methodology is going to be in this mass that we're representing to the federal government as a state plan? I mean every way you look at this, when it gets into the court...

SPEAKER BAACK: Time.

SENATOR BEUTLER: ...and there arguing whether it's a state plan, they're going to laugh and say, that's ridiculous. That's not a state plan. You just wasted a whole bunch more money.

SPEAKER BAACK: Thank you, Senator Beutler. We'll now go to Senator Schrock.