

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 22, 1999 LB 822

Schrock's amendment to the bill.

SENATOR CUDABACK: The Schrock amendment is adopted. Mr. Clerk, anything further?

CLERK: Senator Wickersham has the next amendment, Mr. President, AM1276. (Legislative Journal page 1530.)

SENATOR CUDABACK: Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Mr. President. This amendment addresses an issue that we began discussing when this bill was on General File, and that issue was the fact that there was no definition to what kind of a stream was going to be...where the area around a stream was going to be regulated by this bill. We were told that DEQ had a definition, that it was in regulation, et cetera, that all of that was authorized by statute. The more I examined the issue the more I came to believe that it was necessary to have a definition of the kind of stream that was going to be protected by this bill, if it passed, and what you see in the language in AM1276 is that kind of a definition. Now it parallels the definition that is in the regulations issued by DEQ, but the fact of the matter is that now the standards would be set in law and anybody could look them up, find them, utilize them, as opposed to being a regulation that's adopted by DEQ that might be changed at any time in years after adoption with or without our consent. Now the amendment goes a little bit further than just defining what the stream is. It also says that the council won't designate a class A stream unless the stream has supported trout, reproduction of trout within the previous five years, and the department shall maintain a map that designates the streams that have been found to be class A streams. There is a process, likewise, for periodic reviews of the designations, and that would continue. The amendment has been reviewed by DEQ and others, so I hope that you, like they, find this to be an appropriate definition for those particular kind of streams that are sought to be protected by...by the bill.

SENATOR CUDABACK: Thank you, Senator Wickersham. We are now open for discussion on the Wickersham amendment to LB 822. Senator Wickersham, I do not see any lights on. Senator