

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

February 13, 2003 LB 30

SENATOR SCHROCK: Mr. President, members of the Legislature, this is the amendment that we agreed to work on between General and Select File because on General File we found out it was flawed. We addressed Senator Chambers' concerns regarding the payment of attorney fees but allowed the natural resource districts to recover the cost of the action, whether the action was brought by the Attorney General, county attorney, or private attorney, which addresses a concern of Senator Beutler. In addition, we established a minimum civil penalty of \$1,000, which was a concern of Senator Chambers. The amendment clarifies that if the action is an action involving a public water supplier, it must be presented to the Attorney General for determination as to whether there is sufficient grounds to issue a cease and desist order. And the natural resource districts must abide by that decision. It also gives the Attorney General exclusive authority to enforce actions under this subsection which relates only to actions against a public water supplier. There is an additional clarification that any determination as to whether a water well is properly registered and/or permitted under the statutes is to be determined by the Department of Natural Resources; those responsible for issuing these registrations and permits. The amendment provides that if the Attorney General brings the action, the costs recovered are to be placed in a separate fund within the Justice Department for natural resource enforcement. And if the county attorney brings the action, the costs recovered are to be placed in the appropriate county fund. And if a private attorney brings the action, the costs recovered would be deposited in the account of the natural resources district. The amendment also includes the emergency clause. So, basically, if it's a public water system, the Attorney General must bring the action. If it's an NRD action against, let's say, a farmer out there who's...then it can be a private attorney or it can be the NRD attorney. I hope that clarifies the situation. I know that Senator Chambers and Senator Beutler have had a chance to look at it. I know that Dean Edson has had a chance to look at it. We think everybody is okay with this now. Sorry, we didn't have it in the proper form on General File, but I think this clarifies any concerns that we had on LB 30. Would appreciate your consideration.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the