

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

April 3, 2003 LB 619

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Schrock's amendment.

SENATOR CUDABACK: The motion was successful. Mr. Clerk, next item to the bill.

CLERK: Senator Schrock would move to amend with AM1038. (Legislative Journal page 1075.)

SENATOR CUDABACK: Senator Schrock, to open on AM1038 to LB 619.

SENATOR SCHROCK: Mr. President, members of the Legislature, the purpose of this amendment is to delete the word "additional" as it relates to a reservoir or intentional underground water storage facility. There was a question raised regarding the interpretation of this word. We believe that it was clear. However, to address the concern, we have eliminated the word. The concern was that a reservoir that was below its permitted level could capture additional water until it reached its permitted level before being required to release any water for downstream demand. We don't believe that is the correct interpretation and it was never the intent of the Department of Natural Resources or the committee. And rather than having to defend our position later, it was decided to merely remove the word. The law states that a reservoir, even though it is below its permitted level, must pass inflow down when needed and may not collect additional water in a reservoir until such time as the inflow is no longer needed downstream. LB 619 does not change this, and this amendment was brought to me by the Department of Natural Resources.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on AM1038. Open for discussion on that amendment, Senator Jones.

SENATOR JONES: Mr. President, members of the body, I've seen this amendment and I don't have no problem with it, so I will support this amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Jones. Any further