

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

April 7, 2003

LB 754

it may need in certain circumstances are site-specific information, that is, what are the slopes of lands, what kind of soil, a whole...several categories of information that determine the kinds of things that you might think would be appropriate in protecting the environment in a specific instance. That is, you know, do you need a monitoring well to check; is the soil sandy; what would the leakage rate...should be? So what this amendment does, it simply makes clear that the commission, or the board, if the board is one making the decision, may request and review, prior to making a final determination, all information relative to the setting of conditions for the conditional use or special exception. So in other words, it simply makes clear that you're not forcing the board to make a decision where it may lack information. You are, in fact, giving it the opportunity to accumulate whatever information it needs in order to make the decision. And that might even include, but probably would not always include, actually requiring the DEQ application that they intend to submit, and whatever supporting documents might be relevant to the county board, should they feel that they need them. Hopefully, in most cases they would not want to go that far. But in any event, this amendment retains the idea of a final determination, so that people applying to DEQ can know where they are with the county board, but incorporates and makes clear really the idea that the county board can get and can require whatever information it needs in order to set the conditions. And it can set those conditions after having fully understood and reviewed all of the different information that would be relevant to environmental and/or other types of concerns that are within the parameters of the county board and its decision making in this area. That's all the amendment would do. I hope you think this improves page 5 of the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. You've heard the opening on AM1200 to AM0912 to LB 754. Open for discussion on AM1200. Senator Kremer, followed by Senators Bromm and Wehrbein. Senator Kremer.

SENATOR KREMER: Thank you, Senator Cudaback and members. I'd like to ask a couple questions of Senator Beutler.