

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

March 2, 2004

LB 962

the top, but we will investigate further. I would agree with you that section (7) says they may and that doesn't say they shall and...so I don't have a good answer for you at this time.

SENATOR BEUTLER: Okay, and I had the same kind of question over on page 94 in line 11, and in this case we're talking about over-appropriated districts. Again on the question of stays with respect to certain kinds of construction and activity, again with regard to public hearings, it says they "may" hold one or more public hearings and I'm wondering if that's not intended to be "shall" hold one or more public hearings. I mean it does seem like it would be a good idea to have public hearings on that kind of question. I am not sure how an NRD could avoid it or would want to avoid it. Does that seem appropriate to you?

SENATOR SCHROCK: I'm not...I'm not going to comment because I don't know, Senator Beutler.

SENATOR BEUTLER: Okay. Let me ask another conceptual thing that I'm trying to get a handle on. There seemed to be things in here called "integrated management plans" and then there are also what are called "basin-wide plans." And I'm wondering how those two things relate. And maybe it's easier to go back and talk about specific situations and you can tell me how they're supposed to handle that. But let's say we have an over-appropriated area, and that area, of course, has surface water in it so the department is involved, and it has ground water in it so let's say three different NRDs are involved. Now on the surface water side the department...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...can kind of take care of the surface water regardless of which NRD it's in. But the NRDs are going to have to make some integrated plan with regard to the ground water. Which plan is that? Does that plan have a name when the NRDs...I assume the NRDs are forced to get together and have a plan if it's over-appropriated.

SENATOR SCHROCK: That's correct, Senator Beutler.