

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

March 3, 2004

LB 962

thing they did was change a word or two here and there. They might have looked at it and just thrown up their hands and said, it's not worth it, because the language is not operative in the sense of law anyway, it's not binding on the Legislature. There will be litigation on this bill. With all of the talk in the bill about an alternative dispute resolution process based on mediation, voluntary mediation, in the sense that what comes out of it is not binding,...

SENATOR JANSSEN PRESIDING

SENATOR JANSSEN: One minute.

SENATOR CHAMBERS: ...and then having a Water Review Board, there still is going to be litigation. I saw a provision in the bill--and I've got the page marked, but I'm not going to go into detail on it now--that talks about maps and other information that I believe goes...will go to the description of land. And it says, if something happened to that material and it was not the fault of the owner of the appropriation, then there'd be a waiver of some kind of responsibility, and that decision would not be challengeable in court. I think that goes way too far. It does not explain in the language of the statute how a determination is made; that it wasn't the fault of the individual. And I don't think that when we're in an area such as this that any bureaucrat should be allowed to make a decision that's not challengeable in court. Now, if you are going to build a system or process of binding liti...miti...

SENATOR JANSSEN: Time, Senator Chambers.

SENATOR CHAMBERS: Just when I'm stumbling over a word. I was going to say mediation. Okay, Mr...was that my third time?

SENATOR JANSSEN: Yeah, that's your third time.

SENATOR CHAMBERS: Okay. You said that with such enjoyment.
(Laugh)

SENATOR JANSSEN: (Microphone malfunction)...have one left.
Senator Schrock, your light is on next.