

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

March 16, 2004 LB 916

the federal EPA or DEQ, upon request and, therefore, would not be accessible to the public, and that's essentially my concern. I want and believe this information needs to be made available to the public. The language in the proposed amendment would address this concern by requiring the nutrient management plan to be continuously kept on file at the department, and updated at least annually. And again, I say updated. It means that if there are changes, those changes get submitted to NDEQ. If there are no changes, if there is no update, then essentially there's no requirement. But if changes have been made to the nutrient management plan, once a year, at a minimum, that would be the...their requirement. I was told by the Department of Environmental Quality that they did not want any reference in statute to this material being a public document, because it does imply that their other documents are not public documents. So I am honoring that request, but I do want it made clear on this record that the nutrient management plans and supporting documentation are public documents. We're not saying it in statute, but NDEQ states that they are and that all of their documents are public; however, they didn't want the implication made that others were not. So I'm honoring that request. Since these nutrient management plans have been available to the public in the past,...

SENATOR CUDABACK: One minute.

SENATOR PREISTER: There should be nothing in these plans now that the operator should be able to claim or trade secrets and, thus, could be withheld from the public under the exceptions to the public records statutes. Construction approval is defined as approval issued by the department allowing construction of a livestock waste control facility. The other reason construction approval is triggered for exempt CAFOs is, and this is important, if they have polluted the waters of the state or if the DEQ determines they have the high potential to pollute the waters of the state, and those are the determinations that NDEQ either makes or have actually happened and the discharges have been reported. This amendment and the efforts that I have sought to achieve are...

SENATOR CUDABACK: Time.