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March 16, 2004 LB 916

SPEAKER BROMM: It is also withdrawn. Thank you. Mr. Clerk.

CLERK: Senator Beutler, AM3064. (Legislative Journal pages 1056-1058.)

SPEAKER BROMM: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, this amendment has to do with the idea that is sometimes referred to as financial assurances. That is, in the state of North Carolina, for example, in recent years, they had a tremendous problem when a large number of large hog operations were abandoned by their owners, often bankrupt owners, and then the sites had to be cleaned up. And so the question has arisen, how do we be sure that these sites are cleaned up? And there have been several ideas that have gone around the country on how you do this. Last year, I had a bill, for example, that would have required a couple of...one or another of a couple of alternatives. One of the alternatives was a fund that would be created for that purpose, funded by fees from the regulated entities. That idea did not exactly catch fire. But it doesn't negate the nature of the problem. And the problem is that eventually some of these sites will be abandoned. Some of the operators who are the responsible parties will not be able to pay for remediation. So how then do you ensure that there is remediation? Because obviously, as we go through economic cycles and changes, we don't want our environment to deteriorate. So they need to be cleaned up. So what I'm offering you today is, I think, is not the fairest way to do it, is not the most effective way to do it, but for the first time in the state of Nebraska we would have a way for the state to clean up these sites should they be called upon to do it. And that is by a simple amendment that would provide access by DEQ to the livestock...or to the landfill fund, that is, the Integrated Solid Waste Management Cash Fund. That fund is created by landfill fees, and a portion of the landfill fees go into that fund, and it's used for remediation in a number of instances. And what we'd be doing would be adding the livestock waste provisions, the Livestock Waste Act, to the enumerated kinds of activities that DEQ could draw upon this fund in order to remediate. The cash balance in the fund right now, as I