

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

February 25, 2005 LB 298

essentially. Because if the state were to have a covenant and NDEQ continued to regulate, then it's essentially regulating itself. That's part of the thought process. It isn't drafted as clearly as it could be. I would concur with Senator Landis, I think that the meaning is fairly well understood. But in terms of redrafting it, I'm certainly open to doing that, to adding clarity. I'm willing to continue listening, but I do think the position of not holding political subdivisions potentially liable is a good position, and I stay with that. Senator Beutler, if you would like the remainder of my time to continue with Senator Landis, you're certainly welcome to have it.

SENATOR CUDABACK: Senator Beutler.

SENATOR BEUTLER: Senator, thank you, I would. Senator Landis, let's switch over to the termination provisions. And I'll circle back to where we are.

SENATOR LANDIS: Okay.

SENATOR BEUTLER: Starting on the very bottom of page 7, it says, an environmental covenant is perpetual, unless. Are you there?

SENATOR LANDIS: I'm actually looking at the green copy of the bill, and I bet you're looking at the amendment. Thank you. So it's page 7?

SENATOR BEUTLER: Page 7, bottom line.

SENATOR LANDIS: Thank you.

SENATOR BEUTLER: It's perpetual, unless. And then it states some conditions that I'm not concerned about at the moment. But it...one of those is, terminated by consent, pursuant to Section 11. Okay? When you switch over to Section 11, which is on page 9, Senator, about the middle of the page, the consent has to be signed by the agency. If the consent is not signed by the agency, tell me what happens. Is the termination of the covenant effective?