

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

February 28, 2005 LB 298

number of parties who spent part of Saturday talking about this, and hopefully they're agreeable to Senator Landis. It makes clear that with regard to the definition of "agency," that other states are not involved here but these are Nebraska and federal agencies that we're talking about. It clarifies and retains the provision that the state of Nebraska, municipality or other local government may not be a holder, but it makes an exception in the case where the municipality, for example, may be an owner of the property. There are a couple of strong reasons why that exception should be made. It goes on to identify that with regard to requirements that may be put into an environmental covenant that you can identify, if you so choose, the right to enforce the covenant, and you can give that right to any person or entity. It goes on in Section 9 to indicate that in the case of these kinds of covenants, subordination agreements will be filed. In the case...it clarifies in another instance that in the case where DEQ is not the lead agency on the cleanup and the federal government is that DEQ will be given copies of documents so that they can follow what's going on and be appraised...be appraised of the action. And then there's one more page on...one more change on page 10 that will be deleted by a floor amendment that will be next, so I won't talk about that one. And finally, there is some language added that clarifies that nothing that might happen with regard to negotiating this agreement would preclude anybody who has a right under other law to claim damages for environmental harm, nothing in this law would preclude such a right of action. So, basically, those are the items that are dealt with by the amendment, and I would yield my time to Senator Landis, if he would wish to use it.

SENATOR CUDABACK: Senator Landis.

SENATOR LANDIS: Senator Cudaback, Senator Beutler, these amendments are satisfactory to me. I'll accept them to the amendment and then we can dispatch the bill, I believe.

SENATOR CUDABACK: Thank you, Senator Landis. Senator Beutler, did you wish to use your remaining time? You've heard the opening on the Beutler amendment, AM0620, which is an amendment to the Landis amendment, AM0250, to LB 298. Open for discussion on that AM0620. Senator Beutler, there are no lights on. He