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

February 7, 2006 LB 874

other than water, any...you can do it if any pesticide continues to demonstrate, continues to demonstrate—so, first of all, it appears that it has to already be doing some adverse harm—continues to demonstrate unreasonable, and we can talk about that a little bit, but unreasonable adverse effects on humans or the environment. It seems to preclude the possibility of saying, in advance, this is probably going to have an unreasonable adverse effect and we're not going to do it. Senator Kremer, let me give you the opportunity to respond to that. Is that what this language means? Can somebody, if they're denied by the department, Agriculture in this instance,...

SENATOR KREMER: I understand...

SENATOR BEUTLER: ...the ability to use something, could they say, well, this has...there's been no demonstration of an unreasonably adverse effect here in Nebraska so you can't preclude us from using it? That's what I'm afraid of.

SENATOR KREMER: I can understand a little more now what you're saying. If...maybe if we removed the words "continues" out of there, it says the pesticides demonstrates unreasonable effects, so that you could respond to it before it continues, like it goes down the road for some time before you do something. Is that what your concern is? If you take "continues" out, would that...would that help anything? We'd be glad to work with you any way we can, because...

SENATOR BEUTLER: Yeah, that would help.

SENATOR KREMER: ... I understand what you're saying and we're really taking and expanding the situation when we need to have a state management plan, and it goes down there on line 23 and it talks about unreasonable effects on humans or environment, or is detected, and that's the same language left in there. So...

SENATOR BEUTLER: Right.

SENATOR KREMER: ...our intention is not to weaken that at all; to be responsive immediately when it happens, because of the lag