

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

February 7, 2006 LB 874

human beings, the environment, ground water and surface water, and yet there is nothing in that provision of law which requires that the condition be corrected or rectified. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You heard the opening on FA401. Open for discussion. Senator Beutler, followed by Senator Kremer.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I think Senator Chambers' amendment makes a lot of sense as it pertains to the new language that is in the bill, because that new language talks about unreasonable adverse effects on humans or the environment. Obviously, if under the definitions in the bill you've reached that point, then it shouldn't be a matter of "may." It should be a matter of "shall." Now, that doesn't end the question, as you understand from previous conversation we've had with Senator Kremer, because the word "unreasonable" then becomes exceedingly important, and they may still refuse to act because they would make the judgment that the adverse effect is not unreasonable considering health and, as Senator Kremer indicated, economic factors. But the Chambers amendment should be adopted because it's a flat-out statement about what you should do if, in fact, there's an unreasonable adverse effect. And now, after that, if we want to talk about whether the word "unreasonable" should apply or some other word or how that would be further defined, maybe that's something that could be discussed before Select File. But, as a minimum, I think Senator Chamber's amendment is good advice for that...as it pertains to that new language. One might also want to have some discussion afterwards about further sophistication with regard to that kind of language as it would apply to the unchanged current law with respect to detecting pesticide problems in ground water and surface water before the event of an adverse effect. So, in that context, I would certainly support the Chambers amendment.

SENATOR CUDABACK: Thank you, Senator Beutler. On with discussion. Senator Kremer.

SENATOR KREMER: Thank you, Mr. President, members of the body.