

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

February 14, 2006 LB 776

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion? Senator Beutler, followed by Senator Chambers.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature. Senator Schrock, as you're aware, these permitting processes are of great concern to some people from time to time in different places. And it's not just a matter of small concern, but sometimes it's a matter of community-wide concern. And for those types of things, I would certainly be reluctant to say that we should do away with a public hearing. And I just want to test your language here a little bit, because I'm not quite getting it. But on the first page of the amendment, under the section that deals with the council adopting and promulgating rules and regulations "which shall include," you've added that they shall deal...the current language is that they shall have a permit program, and the new language is they'll set out procedures for the issuance, renewal, suspension, denial, revocation, et cetera, as defined by the council. And then in another section you've crossed out the language that requires public notice in reviewing applications for permits for facilities. Where is the language that limits this to little things or little modifications? That's what I can't find. I don't want to take out of the statute and put into rule and regulation, given the history of the matter, put into rule and regulation the power of the council to do whatever it pleases, if that's what this amendment does. So let me just ask you, where is the distinction in the amendment between little things and big things?

SENATOR SCHROCK: Senator Beutler, the council is going to decide that.

SENATOR BEUTLER: Well, Senator, given the history of disputes in this matter, how can we have confidence that the council...well, let me ask you this. Are there any rules and regulations in place now with regard to public hearings and distinguishing...I assume they don't distinguish now because the current law is as it is.

SENATOR SCHROCK: Yes. And Senator Beutler, let me add that the facility still has to give notice, and if one person, even on