

April 10, 1979

LB 321

CLERK: Mr. President, Senator Schmit moves to return LB 321 to Select File for a specific amendment and that amendment is found on page 1367 of the Journal.

SPEAKER MARVEL: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, this amendment basically will limit the control of the Department of Environmental Control to the solid waste disposal sites that are operated by the metropolitan class cities, the primary class cities, and the first class cities. You will recall, some of you who have been here for a period of time that a number of years ago, Senator Whitney excluded from the authority of the Environmental Control the second class cities and villages. We have really not had much problem. There have been some complaints, I will be frank with you, relative to burning at the disposal sites of the second class cities but basically the problem has not been a serious one. There is deep concern on the part of some of the second class cities and villages that strict interpretation of the rules, regulations that it might result in extreme cost for those municipalities which have, as we know, a very limited taxing basis. I think in view of the fact that we have placed a lid restriction upon the municipalities and local governments, that secondly, that we have had no problems of significant consequences, that the removal of this section is justified. The balance of the amendment merely corrects internal references. I know there are some legitimate concerns on the part of the Environmental Control. I have confidence in the department but I must respond to the concern of the League of Municipalities and offer the amendment and I ask for the adoption of the amendment.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I have a question I would like to address to Senator Schmit. Senator Schmit, it has been my understanding that there has been a very good relationship with Mr. Dan Drain and his reasonableness in all things. Do you have any different information?

SENATOR SCHMIT: I have no different information, Senator Marsh. As I pointed out there has been good rapport between the department and the second class cities. The history has indicated that there has been good voluntary cooperation insofar as enforcement of the intent of the law is concerned but we did take the second class cities