

human being could possibly enforce the letter of this like you suggest?

SENATOR SCHMIT: That's his responsibility by statute. He is a constitutional officer. He has no choice except to enforce the law. That is what he said in the paper this morning. I don't like to mix things up but that is what he said.

SENATOR ELMER: Thank you. I think that the intent of LB 138, as stated, is to try to have some guiding force for our counties to cohesively address which are noxious weeds, how that the counties should constitute their weed districts and give some sort of a central authority. I'm not sure that this amendment would be constructive because I think it's impossible to enforce in this manner. So I think I have to suggest we turn down this amendment to the amendment and pass the bill with the committee amendments. Thank you.

SPEAKER BARRETT: Thank you. Senator Wehrbein, on the amendment to the amendment, followed by Senators Nelson and Schmit.

SENATOR WEHRBEIN: Mr. Speaker and members, I guess I want to speak to several things here. I think the committee amendments to this bill are very, very appropriate and I'm not sure, I think that Senator Schmit's is something we need. I...looking back on the history of where I sat on county board over the years, and we put quite a bit of money into weed control in our county over the years and, currently, our budget is \$72,000. And, as near as I can remember, near as I can remember when checked, we haven't had a nickel of state money in this for many, many years and I really don't think, as near as I can understand, that the state has really put any money into this and I don't think there is any money from the state has ever sprayed any weeds. It has been primarily through personnel and so forth, but I think that most counties are...across the state, and I think that is one of the reasons we have the weed law is because we're dedicated to getting rid of the weeds, at least the ones that we consider noxious and this has been as part of our state function for years. I think that is appropriate, but I think also maybe we need to be looking at things now that we need to go on. Perhaps that is going to be soil and water conservation. To my knowledge, most local counties don't put that much money into soil and water conservation. They are putting it into weed control by whatever local control they want to exert and I think that's appropriate. We operate on a tax levy in local counties. As I said, Cass County in my case is