

March 4, 1980

LB 884

and it was when a \$500,000 suit was in process and we feel that it is not needed, and would give the resource districts the same exemptions that other levels of subdivisions of government have. So I move the advancement of....

SPEAKER MARVEL: The motion is the advancement of 884 to E & R for Review. All those....I am sorry, Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I was one of those that requested that this bill be taken off Consent Calendar. I think this is one of these issues that we need to look at a little closer, and that is one of the reasons I wanted it off Consent Calendar. I know that they make a claim that this has only been enforced once, in one judgment. We happen to have a situation in our area of the state right now, the Maple Creek project that has really caused a lot of controversy and a lot of people are getting quite a bit concerned about the natural resource district taking land through the power of eminent domain. I think when we grant eminent domain to a local subdivision of government, that is a very serious step. It is very necessary and it is very essential in many instances, but it is a very serious step, and I think when we do that, then I think that it might be prudent and in my opinion the might is a factor, it is prudent, that every precaution and safeguard be made to make sure that the general public is protected in the event of a court suit or court action. Now this bonding provision is not prohibitive. This is not a situation that should really deter a natural resource district. In fact, it is just good business, and I find it hard to believe that they would come in and request that this safeguard to the public, that this requirement be taken away from them. I think that if they were truly responsible and truly prudent that they would have no problem with this provision at all. I think that, as Senator Kremer pointed out, we are seeing more and more of this development and I am not saying that is bad, in fact, it is good. But if we are going to have more and more of this type of development, chances are we could become involved more and more in litigation. I think if we are going to be involved in litigation, I think the bonding provision is sound and solid. So I would be very hesitant to take this off. In fact, I would oppose this bill and would urge many of you people, especially you people in rural areas where this type of thing is going on, and if anybody is close to the northeastern part of the state right now with this Maple Creek project, I think you are going to be very much aware that we are going to need these kind of safeguards

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