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LB 643

laws basically. We are using some pretty specialized ones and I think it gives just too much power to officials who are going to go out and use intimidation and threat to do a lot of things that I don't think should be done. I urge you to pull those portions of the bill that say each day is a continuing offense.

SENATOR CLARK: Senator Simon. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, if I could give you...

SENATOR CLARK: Pardon me, Senator Beutler. Before you talk, will you turn your lights off if you are not going to talk on this amendment, please. Go ahead, Senator Beutler, I am sorry.

SENATOR BEUTLER: Again I would like to provide you with a little perspective from my point of view. First of all, let me point out that these provisions are in no way a major portion of the bill. We are talking about a minor portion of the bill. So first of all, put that in perspective. Secondly, in analyzing this continuing offense provision, I think you really have to go back again and take a bit of an historic perspective. You know it often happens in our law, not just in the area of water, but in any area where we have developed new law, there is not widespread consensus on the new law and, therefore, certain concessions are often made, concessions which often render the law totally ineffective. You may, for example, provide no enforcement procedures or you may, for example, provide no penalty procedures even though you have an intricate detailed law and the reason is simply to gain political consensus, to give the public time to know the law before you really try to enforce the law. I think that is the political truth of how our law often operates in this country. I think what we have seen with water is that we enacted the groundwater management act but we really didn't provide any effective enforcement remedies and I think that that was very intentional and I think it was very correct. It was correct because we imposed on a whole segment of our society a new law with which they were not familiar. So that is the basic premise that really the provisions that you have in here now, the penalties that you have in here now are not effective. The next point I would like to make is that this idea of a continuing offense, of each day being a continuing offense is not a new or radical concept in any way. The farmers are not being picked on to have this extraordinary remedy apply to