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them. Yesterday I asked my researcher to do an hour's worth of research on other statutes in our present books which have a continuing offense provision, and in one hour she came up with one, two, three, four, five, several sections under that, six, seven, nine and they don't just apply to farmers. We have one applying to factory law, 48-420, having to do with elevators and safety provisions and factors, continuing, provide for each day's violation as a separate offense, and a number of different areas that apply to urban as well as rural situations but also we have them already in our groundwater, in our management acts, in our management acts relating to water. 46-254 which is interfering with closed water works, taking water without authority. Penalty, provides that each day the water is allowed to run without authority from the department shall constitute a separate offense. So it is not anything new or different that we are doing. Now let me try to describe why we are doing it. First of all, the law is enforced by county attorneys and I should mention right offhand that there is your first protection as far as this penalty is concerned because no county attorney who wants to be county attorney very long is going to enforce this kind of a law against a respected landowner and be long in that county in that position. If there has been any problem out there that has been identified to the committee, it is that the county attorneys are reluctant to enforce the law against respected citizens and there should be a reluctance. They should be very careful. Nonetheless, the law should be enforced. When a county attorney chooses to enforce the law, the problem that you run into is that if each day is not a separate offense, he picks out one occasion to enforce the law. The penalty under most of these statutes is a one hundred to five hundred dollar fine. Well, the landowner gets a lawyer, they diddle, they take weeks, maybe months to settle this one day's offense. Meanwhile the whole irrigation season has passed by and, of course, the economic incentives are there for the landowner to continue to abuse and use the water. One hundred to five hundred dollars is nothing compared to the value of that water. So unless and until you make each day's offense a continuing offense, there will be no effective enforcement of this law.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, the Chair has the following people who wish to talk on the DeCamp amendment: Senator Hoagland, Senator Kahle, Senator Newell, Senator Wesely, Senator Reutzel, Senator Vickers, Senator Hefner, Senator Cullan. So you can