

May 6, 1981

LB 146

in 1969 when we created the Natural Resource Districts, which we continued with in the mid-1970s when we passed the Ground Water Management Act, strengthens the authority of the Natural Resource Districts. It gives them a little bit more authority, gives them some more of the tools they need to effectively deal with the water problems because I think we know the NRDs don't have the tools they ought to have now. I think we know from the water problems around the state they simply can't...they simply can't exercise the statutory authorities that they need to have if they are going to effectively do it. This would give us those statutory authorities and I think anybody who truly believes in local control, who truly believes in people closest to the decisions making the decisions can't object to giving them the power, delegating to them the statutory authority to make those decisions. That is all it does. It is very simple. Anybody who is in favor of that it seems to me has to be in favor of this amendment. That is all I will say on the subject so we can get on to other issues. I would urge you to support this amendment. If you have any questions, I would be pleased to try and answer them. Thank you.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, Senator Warner's father one time said "Politics is like a war. If you stop fighting the other side wins." I feel a little bit that way now and I don't like to get up on everyone of these amendments, but to tell you very frankly, Senator Hoagland says some of the Natural Resource Districts want this. I can tell you also some of them do not want it. If you were to poll them, I believe that those who do not want it would be greater than those who do. There are one or two who have expressed an interest in it but the vast majority have not asked for it. If we debate and advance LB 375, 375 provides for this type of activity as a sort of halfway proposal. It is a tremendous difference than what you are doing here. You are going into a control area. You are reversing the burden of proof. In the past it has always been necessary to provide proof, overwhelming proof, before you get people into a trap, not the other way around. I am not going to talk a long time. I am saying that it is not the consistent method whereby we have always assured people that they would be able to secure a control area. We are saying now that if at some point in time someone says we are going to have a control area the burden of proof is on the other people, who and upon whom. It is surely not the Director. Why would he have to go out and dig up the evidence? It is not in his interest to dig up

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