

May 12, 1981

LB 243

SENATOR KOCH: Thank you. Senator Schmit a moment ago was talking about funds we appropriate for the purpose of developing water structures for surface water, and we have been remiss in this. But I would submit to you that if we believe we are going to build more water structures under 243, we are wrong, absolutely incorrect, because I will submit to you and I will follow Senator Kremer's point of view and I think it would only be a period of time those people are going to be back in here wanting us to repeal this piece of legislation simply because of the litigation it is going to create. You know as well as I do that when you get involved in litigation on issues of environmental impacts of beneficial ratio for recreation and there are questions of what the percentage is going to be, you will tie it up in court for a considerable period of time, and while you have tied it up, you may prevail but I will submit to you the costs of construction will have increased correspondingly and you will not get your dollar's worth for that holding structure we all are searching for in terms of preserving surface water. So I would say to you here today, if we are going to continue to appropriate money for the purpose of building holding structures, then let's not impede the progress by enacting such laws as LB 243. First of all, the judge is going to make the determination on what the benefit is going to be in terms of recreation and in terms of other use, and I want to know how is a judge qualified to make that determination? What are the standards? I have yet to see where the NRDs have been abusive of eminent domain and I would submit to you anytime you build a water structure, it doesn't mean you are going to use it for all kinds of recreational purposes, such as boating, water skiing, whatever you might think. You might be able to use some of those ponds that we're going to build for a few million dollars for a little bit of fishing. That would be the extent of it. So I oppose LB 243.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I also rise to oppose LB 243 for many of the same reasons as Senator Kremer and Senator Koch pointed out. I would remind this body that I think it is rather strange, this morning this very body passed a bill based on the trust that we gave to another entity outside of this body, namely the Regents. Now we are in a position where we don't trust another political subdivision, namely the Natural Resource Districts. And as Senator Kremer pointed out to you, they are directed by and large by rural people, farmers that are interested in water and water conservation, yet we are saying that these very farmers are willing to go out and use the power