

April 6, 1982

LB 708

SENATOR DeCAMP: Mr. President, I have no objection to the amendment. It is a good amendment.

SENATOR CLARK: Is there any further debate on the amendment? If not, all those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 26 ayes, 0 nays, on adoption of the second Beutler amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Do you have any more amendments on the bill?

CLERK: Mr. President, Senator Vickers would move to indefinitely postpone the bill. That would lay it over unless the introducer agrees to take it up at this time.

SENATOR CLARK: Do you want to take it up at this time, Senator Vickers? All right, take it up.

SENATOR VICKERS: Mr. President and members, I believe the issue of LB 708 has very broad implications and it is much broader than the narrow issue of geothermal development. The material that we are talking about...and let's not lose sight of that fact, is water. It might be of a higher temperature than normal. It might be from a deeper or a different aquifer than the normal use of underground water but nevertheless it is water. And what we are saying if I understand the amendments, or Request 2926, that what we are saying with that is that in Section 4 is that we are going to treat this resource as a mineral and it is going to be severed from the overlying surface estate and it is going to give this resource a different aspect as we look at underground water in the State of Nebraska than we have dealt with underground water previously by far. Right now there is a case in the United States Supreme Court to uphold a state Supreme Court decision that indicated that underground water was owned by the public in the State of Nebraska. And now we are in the process right here of passing a law that says, yes but water from certain aquifers, water of certain temperatures are going to be treated differently, and I suggest to you that that is a dangerous precedent that we are setting. I suggest to you that we should study and think about this issue quite a while before we pass this type of legislation. You know, when we look at the potential for using water as a medium changing or for energy purposes, you know, the use of water heat pumps and various other things, I think we might have in the future demands for the use of this resource and the ability to call it a mineral and