

study, and that was primarily to facilitate the transfer of water in this state. The reason this bill is necessary is that we have not sufficiently looked at the legal questions surrounding the transfer of water. We haven't sufficiently looked at the legal issues particularly related to the interstate commerce clause and that's the reason, in fact, the bill is directed to the College of Law here in Nebraska as we need the kind of thorough constitutional legal analysis of this so that we really know what our options are as policy-makers. You tell me if we know enough to act on any of those bills that came before the Natural Resources Committee this year. I would suggest we do not. There was considerably more than a small handful of people, as Senator Schmit would have you believe, came in and expressed concern on every one of those bills that came out of that study. This is perhaps the most complex, technical, difficult, controversial area, even harder I would suggest than low-level waste, to do a good job of making policy choices. And for us to avoid bringing to ourselves the best quality of information possible before we embark upon studies of water transfers is absolutely irresponsible and does not serve the interests of the citizens of this state. I would further point out, as I pointed out on General File, that this is an issue that is very current all over the western states and, in fact, there is a national group embarking upon a study of this issue right now and the names read like who's who in water law in the United States on their committee that are involved in all of this. And I think Nebraska certainly does not want to necessarily just rely on outside opinions, but we are considerably ahead of other states I would say due to the actions we've already taken and due to the fact that we have completed the work with the water board that Senator Schmit has pointed out. But we are far from possessing enough information to make decisions of the magnitude that are being contemplated by this body right now. I would ask you to reject Senator Schmit's motion and advance this bill to Select File and let's get on about other business. Thank you.

PRESIDENT: Thank you. Senator Elmer, followed by Senator Dierks.

SENATOR ELMER: Thank you, Mr. President. As a member of the Natural Resources Committee I'm one of the members who did not vote to advance this bill. The study is a rehash of the Sporehase decision made by the United States Supreme Court. That decision has been studied and studied and comes down to the