

cattle was killed or something, that is a civil action. You are, in effect, guilty if they can prove that you had a duty not to contaminate it and you breached that duty somehow and you were negligent. You didn't have to intentionally want to kill their cattle or harm their water but because of your negligence they could sue you and get money for that. That's civil law negligence. What Senator Baack is talking about with the knowing and intentional is criminal. That's where you punish, where they've done a violation against all of us as a state. Burglary, yeah, you burglarize somebody's home but that's a...that's a crime against the entire state; that's the reason the State of Nebraska brings a criminal complaint against you and that...if you're going to put somebody in jail and take away their liberty, you have to prove that they intended to do that and that they had some knowing knowledge that ignorance of the law is not a defense in that case and they should have.

SENATOR MORRISSEY: Okay, so then basically knowing and willful standard does not then move on towards a liability standard?

SENATOR KRISTENSEN: No, that...

SENATOR MORRISSEY: Okay.

SENATOR KRISTENSEN: ...will be a straight negligence situation and then things like LB 88...

PRESIDENT MOUL: One minute.

SENATOR KRISTENSEN: ...and other ones that we have passed this year comes into play.

SENATOR MORRISSEY: Okay, I guess the reason I'm uncomfortable is because in the earlier...earlier in the bill in the sections that applied to what looks like to more of a citizen type of fine we don't do the knowing and willful if you do it and maybe that has to still be proven. But they...we don't say knowing and willful then and we do later and the citizen could be fined not less than a \$100 and not more than 500 and put in jail for 60 days and yet we don't mention the knowing and willful there. And also there we say they may be enjoined from continuing such violation and that, in my opinion, says you can be ordered to quit doing what you're doing and in the later section where we're talking about the injection or the air pollution we have struck that language being enjoined from continuing such