

Resources Committee, from the time that I went on the water tour I have continually heard some people say that we needed to do 108 because of a threatened lawsuit by Kansas. And I have read that in a number of publications stating that. And so I have asked people that very question, most important I have asked those senators...a senator from Kansas. On the water tour I asked Senator Janis Lee to respond to that question to me, and it was in front of a number of us on the Natural Resources Committee. And she said that LB 108 would have absolutely no impact on 'f Kansas was going to sue Nebraska, in fact they thought it did very little. And I think Senator Beutler would...was there at that time, no, maybe he had left the tour at that time, but that was her statement. Then the Director of Water Resources from Kansas was in Grand Island at a meeting and was asked the very same question--will 108 prevent a lawsuit from Kansas? His answer was, no. I asked the Department of Water Resources to respond to three questions for me. And one question I asked, has any Kansas official stated or otherwise indicated that LB 108 would fail to avoid litigation? The answer was, they were not aware of any written statements to indicate that LB 108 would fail to prevent litigation. The legal counsel to the Kansas State Engineer's Office has, however, informed them that LB 108 appears to be very weak and procedurally cumbersome. Their legal counsel went on to say that litigation before the U.S. Supreme Court would provide faster, more effective relief for their concerns than would LB 108. Kansas officials have been very cautious to avoid involving themselves in Nebraska's legislative process directly. They have nevertheless consistently indicated that they will sue Nebraska, unless Nebraska takes aggressive steps to manage its water resources so as to protect Kansas' interests. And they have continually said that LB 10. does not meet those requirements. I think that that's an important issue for all of us to understand. It really doesn't have anything to do, if we're going to pass 108, I agree with Senator Bromm and Senator Beutler. But I do think that we need to dispel that for any of you who have not been following this closely, to think that if we would pass 108, that it would prevent a lawsuit from Kansas. And I think it's important for everyone to understand that. With that, I give the balance of my time to Senator Brashear.

SENATOR CROSBY: Senator Brashear, you have about two minutes.

SENATOR BRASHEAR: Madam Chairman, members of the Legislature,