

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 8, 2000 LB 900

what is being done will allow for a better allocation of workloads among those eighty-some people who are being merged together. I think it probably allows for a more equitable administration of administrative employee personnel rules within those groupings of people. I like the fact that the flood plain management is being shifted to the Department of Water Resources, the new agency since, of course, they are so involved with surface water to begin with. And I think it points in the right direction in terms of having one agency thinking broadly and holistically about the whole question of conjunctive use, which will be a much more difficult question as time passes here and the pressure continues to build as among the competitors for the water. What this amendment does is to make the structure of this new agency parallel more closely the structure of DEQ, which I believe is the fairer and the more efficient structure. But in order to tell you what the intent of the amendment is, I think one has to go back and discuss the Natural Resources Commission in its composition, to begin with, because it's kind of a peculiar animal the way it exists right now. And the main peculiarity is this, the commission itself has rule making authority now over a number of programs. The commissioners, they make the rules and regulations that eventually get approved by the Attorney General and the Governor. But then in order to execute those rules and regulations, they have to do that under the guidance of the Director of the Natural Resources Commission, who is not appointed by the commission, but is separately appointed by the Governor and has control over all of the staff resources of the Natural Resources Commission. In most state agencies, if you think about it, the director of the agency has two different functions, they manage all of the people, and look to the execution of the statutes and the rules and regulations that they make. They do those two things. They make the rules and regulations, and they manage the people who execute it. But in the Natural Resources Commission you have a commission that's making the rules and regulations, and then a director and staff, that answer to the Governor, who do the separate function of executing the rules and regulations. To me that particular dichotomy existing in one agency, and almost no place else in our government, has been, as a general principle of government, not a good situation, because my understanding of efficient government would have a very close consensus and hand-in-glove relationship between the maker of the rule and