

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

February 28, 2000 LB 1394

well. I want to describe to you just briefly the situation that has arisen. The Lower Platte South Natural Resource District has been involved, through a series of processes beginning back in 1989, to construct a multipurpose dam in Cass County. The district consists of Lancaster County and Cass County, primarily. And it got all the way through the process, it got state money, it got its own board together, it's worked through several versions of the recreational area that would be constructed, and it got to the end where what was historically, always been a perfunctory step was needed, and that step was to close a couple of county roads in order to facilitate the project. When that time came, notwithstanding all of the investment and all of the improvements that the NRD had put into the project, the county of Cass, by a 2 to 1 vote, refused to close the county roads, and it appears that, under the statutes as they are currently constructed, they have the power to do that. Let me describe for you why I think that that policy is very bad policy. First of all, the Legislature gave to the NRDs the authority to build flood control projects and flood control projects that have recreational elements to them, simply gave to the NRDs, we gave them the jurisdiction to construct these multipurpose benefit projects. Because that's the way we have structured the law, no county should be able to shut down those projects unilaterally as is currently the situation under the law. Secondly, the NRD represents the people and the taxpayer money of more than one county. In the case of the Lower Platte South NRD a great majority of the people are in Lancaster County, obviously, and 70 percent of the tax money is from Lancaster County. It is not fair to that board's constituents to let any single county pick out and choose which projects appeal to its narrower constituency. To allow one county unilaterally to deny flood control benefits, and to deny recreation benefits to all other counties in the NRDs simply doesn't make sense. How can one argue that, if a flood control project in one county benefits other counties in the NRD, that that one county should be authorized to deny to the other counties the flood control benefits? Or why should one county be allowed to deny recreation benefits to the people in other counties? In this particular case it was a 19-dam series of NRD projects that was involved in the Weeping Water area; 18 of those dams involved only flood control and had been constructed and completed. Only one dam involved recreation or recreational