

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

March 4, 2004

LB 962

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, maybe I'll just begin a discussion that I want to get into a little bit. And it's a discussion that goes like this. You know, we have a court system to resolve conflicts. And in some cases, we try to cut down on conflicts by putting a lot of things into statute, instead of allowing the courts to decide things one by one on the basis of the facts in a particular situation. Now Senator Jones indicates that this bill wouldn't even be here before us today but for the drought, which, I take it, indicates that Senator Jones even at this state is not particularly concerned about the increasing number of ground water wells and the increasing number of conflicts between them. Because that has nothing to do with the drought; it has to do with overdevelopment. But the...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...point I would like to get back to and discuss a little bit with Senator Schrock and/or others is the efficacy and the expense of the state taking on all of this cost of resolution of conflicts when maybe we should just allow the court system to operate and the litigants come before us and pay their own cost and resolve the matter that is up before the courts. We have a correlative rights document on ground...doctrine on ground water, so we know that everybody shares equally. Maybe we should...the principle is there, the law is there, maybe we should just allow them to work it out. I think it would be very beneficial to have a discussion on why this bill, with its heavy bureaucratic overtones and expensive cost, is a better way to go than just letting individual litigants resolve their differences one at a time. In fact, for the last 15 years...

SENATOR CUDABACK: Time, Senator Beutler.

SENATOR BEUTLER: ...or so...is that the...

SENATOR CUDABACK: Time.

SENATOR BEUTLER: ...end, Senator?