

April 3, 1984

LB 852

ought to be the subject of a hearing. I think that obviously Senator Hefner tried to address a problem that was very critical in this area. We are doing it in a very limited way and I think that is probably the best way to approach it at this time. I think as Senator Kahle has pointed out here there is a great deal of law out there at the present time on damages from this type of an operation. But I think if we were to add the language that this amendment contains at this time, we would be certainly inviting a lot of controversy and legal hassle and lawsuits. I've got nothing against the lawsuits, but I think we don't need to encourage them unnecessarily, certainly I believe that the amendment is not doing anything to help Senator Hefner's problem at this time and would probably cloud the issue. I would hope that we would reject this amendment, pass the bill in its present form, and I can assure you that the Public Works Committee will hold hearings this summer, certainly we will bring up the issue of the Vickers-Hoagland amendment and I have discussed it just briefly with Senator Vickers. I think he has got some very good points in the amendment, but I think we want to be awfully careful when we deal with these kinds of water rights and responsibilities, because we can cause far more problems than we resolve. I would assure you and I believe I am speaking with some degree of experience. We have a very wet year out there right now and there is going to be a lot of controversy in the next few months anyway. I want to say also, I want to remind the members of this body that we took the municipalities out of this bill. If we are going to do the sort of thing that the Vickers-Hoagland amendment suggests, then I think in equity and fairness we should put the municipalities back in. I think that they would not like that. So, certainly lets not be too narrow in the application, the punitive measures toward a landowner and then of course completely advocate the responsibilities of other areas. I would hope that you would not adopt this amendment at this time.

SPEAKER NICHOL: Senator Richard Peterson is next, but may I introduce some guests of Senator Labeledz, under the north balcony there are three students, Christopher Lynn, Don Hood, Kevin Sharp from Gross High and Bill Nicholson is a