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FLOOR DEBATE

January 23, 2002 LB 259

CLERK: Mr. President, Senator Beutler would move to amend the committee amendments, AM2380. (Legislative Journal pages 323-326.)

SENATOR CUDABACK: Senator Beutler, you're recognized to open on AM2380.

SENATOR BEUTLER: Mister...Senator Cudaback, members of the Legislature, this is an amendment that, to me, deals with a very, very important and a very, very serious gap in our laws, and the gap in our laws was identified by the sequence of events occurring in Cass County whereby two of the three commissioners in Cass County refused to close a couple of inconsequential roads and by that means succeeded in killing a major recreational project of the NRD in an area about halfway between Lincoln and Omaha. The gap in our laws is simply this; that we have given to the NRDs the authority to establish flood control structures and flood control structures related to recreational lakes. We did not give the counties the authority to do that, but a year or two ago one county discovered a loophole in the law and they discovered that if they could simply refuse to close the roads then they had sole control over recreational projects and over flood control projects within their counties. This is a situation that I feel cannot stand. There has to be a broader view and an integrated view of how these matters are dealt with. To that end, I proposed bills the last couple of years, none of which have been dealt with by the Natural Resources Committee. There has been no resolution of the problem. The latest resolution of the problem that I proposed to the Natural Resources Committee was simply this. If there is a dispute with regard to whether roads should be closed relating to a particular recreation project then, in that case, let the county choose one arbitrator and let the NRD choose one arbitrator, and let those two arbitrators choose a third and then let them decide, based upon the public interest, whether the roads should be closed to clear the way for major NRD projects. NRDs, and I passed out a map to you of the NRDs in the state so you could kind of see how they're laid out, but NRDs invariably involve more than one county. They involve a series of counties, and oftentimes a flood control structure in one county, for example, is of great benefit or the most benefit