

March 26, 1979

LB 544

leave this decision making up to the farmer. I so move the amendment. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Burrows amendment to LB 544. Senator Vickers, do you wish to be recognized?

SENATOR VICKERS: Yes, I have a question of Senator Burrows.

SENATOR BURROWS: Certainly.

SENATOR VICKERS: Senator Burrows, looking at LB 544, on down the new material in lines 12 and 13, I thought was raising that from ten to fifteen acre feet. I think that was the intent when this bill came out of committee.

SENATOR BURROWS: Okay, I would like to explain this. As you go down into the new language, in line 12 and 13, what you are doing, you are requiring an inspection by the NRD of these larger sized dams. In the upper portion what we are taking away is an exclusion from their authority for the very small dams, for the ten acre feet or less. Now the bill does not provide for their inspection. Now they may argue that it is unimportant. If it is unimportant, why not reinstate the original material and leave these exempted if they do not plan on coming in. It does not authorize the inspection or require inspection and fund inspection of these very small structures. We are increasing on the other side what we require inspection on, but this gives them the authority and they still have top dog on a very small livestock pond the farmer puts in and are going to give him a lot of meddlesome bother to go in and make applications for removal, say he has put in a small dam, it silts in and he wants to turn it into a waterway, I think he ought to be able to do this on ten acre feet or less on his own doing. I think it is a question of whether we want more control by the NRD's on very small structures or whether we want the farmer to have the freedom to go ahead.

SENATOR VICKERS: Thank you, Senator Burrows, but I guess maybe we are reading this differently but it seems to me that the way I understand that that we are excluding things from fifteen acre feet on down with the new language and I think that is the intent and that certainly is the intent that I would encourage this Legislature to do. I agree with your philosophy that the small dams that the farmers put in shouldn't be inspected and it seems to me that that is exactly what the bill is doing as it is written.