

March 26, 1979

LB 544

SPEAKER MARVEL: Senator Wesely and then Senator Schmit.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I rise I believe in opposition to Senator Burrows amendment because I think, as does Senator Vickers, that it doesn't do what I think he wants it to do. First off, I think that by reinstating that stricken matter, what you are talking about there if you will look at that section is basically state of repair not inspection and this bill is mainly changing inspection procedures and we are increasing the threshold on that. By reinstating that stricken section, I think that you don't change the inspection section which is fifteen acre feet or more and so that would continue but by striking the matter which we did in there, what you have is you are saying that anybody who has got a dam has got to keep it in a state of repair, that it has got to be kept up and that it has got to meet with some of the approval of the Department of Water Resources but it doesn't have to be inspected unless it is fifteen acre feet or more. So it seems to me that we ought to encourage, I remember the discussion in committee, that we ought to encourage everybody who has a dam to keep it up in a state of repair which is why we struck that one section and I think we ought to keep it in there because we ought to encourage every dam owner to do that. Did that come out wrong? I think as far as inspections go I think that is a good point that ought to be kept in there. Thank you.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, as I see the legislation presently drafted without the Burrows amendment, it will mean that someone is going to say that, well, Schmit's dam out there, it is just a little mud puddle but the thing isn't in good shape and it ought to be kept in good repair. I would like to know whose responsibility it will be to follow up on the thing, what authority does the NRD have to come on my farm and inspect such a structure if it is less than fifteen acre feet? If they find it in bad repair, what can they do about it and whose responsibility is it for the cost, whose responsibility is it if the thing goes out? You know there is a tremendous amount of concern, and we have been told time and time again that the state owns the surface water, but when the waters flood, no one, the state doesn't want to take the responsibility for it. They like to have control over a nice little meandering stream somewhere, but if the dam goes out or the river goes out, then all of the sudden the state nor the corp nor no one wants any responsibility for that water. I suggest that