

March 26, 1979

LB 544

unless there is a provision in the bill that provides some procedure whereby those small structures are going to be inspected, whereby they are going to be repaired and who is going to stand for the cost of it, then the bill means nothing. It is one more incidence where we say it would be nice if they would go out and check it and that is what we are all doing anyway. We are going to go out and check them and we are going to keep them up because we have an investment in them, but from the standpoint of this legislation, there really isn't any responsibility there and so what happens is that someone who doesn't have anything better to do will be out checking the small ponds and he is going to tell some farmer you ought to go out and fix your pond and by what authority will he be doing that? No authority whatsoever from this language here. I can assure you that farmers have a financial investment in those ponds. They are going to want to keep them up. By the same token, they may want to remove the pond and it will be their freedom to do so. I think that the Burrows amendment is in order. I think the Natural Resource Districts have plenty of responsibility on areas above fifteen acre feet in any case without running around going into a puddle jumping act to determine whether each individual little pond, and there are thousands of them in the State of Nebraska, are in the proper state of repair or not. There ought to be better things for them to do. Many of these ponds are of a few acre feet or less. They don't amount to much. They silt in. Other things happen to them but I think that for the Natural Resource Districts to concern themselves with a pond of less than fifteen acre feet is a waste of valuable time, a waste of valuable experience and time and money that could be better spent doing something else. I support the Burrows amendment. I think that without the Burrows amendment you will need to have additional criteria in there that will provide actual responsibility for the Natural Resource Districts and it will also provide for the cost of repairs, the cost of maintenance and the responsibility in the event that maintenance is not followed. I don't see that in the legislation. I don't think anybody in this body wants to put it in there. If you do, you have not done so this far, and without it, you have a problem on your hands. So I would support the Burrows amendment and clarify the fact that the small ponds are not to be the concern of the Natural Resource Districts.

SPEAKER MARVEL: Senator Kahle and then Senator Cope.

SENATOR KAHLE: Mr. Speaker and members of the body, I certainly feel that the small dams should be left out.