

April 2, 1980

LB 643

CLERK: Yes, sir. Senator Lamb, do you want to offer your second one, Senator? Okay. Mr. President, I now have an amendment from Senator DeCamp.

SENATOR CLARK: The Call is raised.

CLERK: And Senator DeCamp's amendment is on page 1605 of the Journal.

SENATOR CLARK: Senator DeCamp. Will everyone turn your lights off so that we start over again. We have a new amendment up here. Except those that want to talk on the DeCamp amendment.

SENATOR DeCAMP: Mr. President and members of the Legislature, I am, I think I can legitimately say, as concerned and I think knowledgeable as anybody else in the room about water and water issues and the whole picture. Senator Kremer described the bill and he went through the ten components. I go through the bill and existing water law and I start meshing components together and I stand and tell you, like I did on land use when we passed those bills, primarily urban Senators passed them with half a dozen others from the rural areas, and then you were back repealing them. We sent Doug to Congress over them but we were back repealing them shortly thereafter, most of them. You have got pieces in this bill that are going to be as deadly. The part that I am talking about here particularly is each day is a continuing criminal offense, each day. Now if you are a county attorney, or forget the county attorney, if you are an NRD official or if you are somebody trying to accomplish a particular goal, your idea of what should be done on that particular farmer's land, and maybe there is a legitimate dispute, you go out and you explain to them, look, I don't know what all this covers because you have got this language in there about each day is a continuing offense and I assume it is rules and regulations it covers, I just don't know what all it covers because you can't tell it just from reading the bill. It goes way beyond that. But you go out and you explain to Joe Farmer and say, look, if you don't get this corrected today or whatever, a month from now the fine could be \$15,000, \$20,000, whatever. OSHA officials did that and you know how OSHA was accepted. They had that same type of penalty, each day is a continuing offense. We are talking about people dealing with their land and their development and their crops and things and we are using criminal penalties to enforce it but we are using criminal penalties like we don't use in the other criminal