

May 7, 1981

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that I do not feel that it is unconstitutional to distinguish the two situations and that the technical amendment that I am proposing later sets out intent language which I believe gives a rational basis for distinguishing the two situations...

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Beutler, you have one minute.

SENATOR BEUTLER: ...and by creating and articulating that rational basis in the statute, thereby giving the court reason to distinguish the two. I do not believe that it is unconstitutional with regard to the protection of the basin of origin. One last point, Mr. Speaker, I would like to point out to you the High Plains study that was done recently and it had to do with the use of the water in the High Plains state, in Nebraska and Kansas, in Oklahoma and Texas, where they don't have much left now but a resolution was adopted by that study committee which included Senator Kremer. I am not sure if he voted on this resolution or not but at any rate the resolution went like this. "The present uses and prospective future uses for beneficial purposes for the foreseeable future in the potential basins of origin," that is Nebraska in this context, "will be considered as having prior rights to the water involved." In other words, the basin of origin in their analysis should have the prior rights. Nebraska, where the water is, should have prior rights before we transfer it to Texas or Oklahoma or Kansas and I am saying the same thing with regard to Nebraska, that is, that the basin of origin within the state should have prior rights and a slight advantage as opposed to the basins to which we would propose to transfer the water. So I would ask you to keep the bill in its present form and reject the amendment. Thank you.

SPEAKER MARVEL: Now there are about ten names. We will have to cease discussion of this at the moment and we have got the list of names and these will be verified tomorrow. Yes, go ahead.

CLERK: Mr. President, real quickly if I may, study resolutions, LR 129. (Read purpose.) LR 130. (Read purpose.) LR 131. (Read purpose.) LR 132. (Read purpose.) LR 133. (Read purpose. See pages 1838-1840 of the Legislative Journal.)

I have a committee report from the Ag and Environment Committee regarding confirmation hearings, Mr. President. (See pages 1840-1841 of the Legislative Journal.) That is all that I have.

CEREMONIES