

# Senators wade into water bills

By Paula Dittrick

The Public Works Committee waded into the stream of proposed water legislation during a Thursday afternoon public hearing covering four water bills.

Held for later action were three bills introduced by the committee and another introduced by Neleigh Sen. John DeCamp.

Committee Council Gordon Peters said LB298 would diminish current confusion about water ownership rights by combining two ownership systems into one.

Nebraska now observes riparian rights and appropriations rights. Riparian rights give the landowner the right to use "a reasonable amount of water" while under the appropriations system, a landowner is permitted to withdraw a specific amount of water.

LB298 states it would "incorporate the water rights of riparian landowners into Nebraska's existing appropriation system." The bill concerns the use of river and stream water.

Robert Weicht of the National Audubon Society called the bill "incomplete, misleading, and unconstitutional." He suggested slashing several sections from the bill.

Claiming LB298 "does more to restrict and remove benefits from the people than anything else," Weicht urged senators to either kill or overhaul the proposed legislation.

The bills dealing with groundwater, LB55, LB299 and LB300 were discussed simultaneously.

Sen. DeCamp said he introduced LB55 as a "barrade against unreasonable government interference with water." The bill proposed a constitutional amendment and would be subject to voter approval.

It would allow the Legislature "to regulate the reasonable and beneficial use of groundwater when it is in the public interest."

DeCamp urged senators to hold the last three water bills in committee and said both "the committee and the legislature has a lot more to learn before taking any action."

He said the Legislature does not have to pass new laws because someone cites a problem and he suggested the problems would be solved without hasty legislation.

Peters said LB299 declared underground water the property of the landowner and LB300 established a reasonable use rule allowing the state to restrict the use of underground water during periods of water shortages.

"Neither LB299 or LB300 call for constitutional amendment, Peters said.

Crete Mayor, Norman Behrens represented himself in testimony against the three bills. He urged the senators to further study the proposed legislation before approving it.

"All the bills only make sure of no unemployment among lawyers," he said.

An NU resource economics graduate student Larry D. Swanson, told senators they must "develop a legal framework providing for limited use of a limited resource."

He said developing "an overall water management plan may mean public owned" water rights.

# Drinking age bill dies in committee

The bill in the Nebraska Legislature to raise the drinking age in Nebraska from 19 to 21 was killed Thursday afternoon in an executive session of the Nebraska Legislature's Miscellaneous Subjects Committee.

LB369, introduced by Grand Island Sen. Ralph Kelly, was defeated 5-1. Senators voting to kill the bill were Robert Clark of Sidney, Bill Brennan of Omaha, Dave Newell of Omaha, Don Dworak of Columbus and Orval Keyes of Springfield. South Sioux City Sen. John Murphy voted against killing the bill. Bellevue Sen. Frank Lewis and Hastings Sen. Richard Marvel were absent for the vote.

Clark said he thought it would be "outrageous" to try to raise the drinking age. He also said he thought the Legislature would lose credibility with what he called the bill's "yo-yo approach" to changing the drinking age.

Committee chairman Dworak said later he thinks the students who testified at the bill's hearing had an effect on the committee's vote.

"A lot of the senators were very impressed at the behavior of students at the hearing," Dworak said. "Some members felt the arguments were very mature and logical."

He voted for killing the bill because he thinks 19-year-olds "have demonstrated the maturity of making the decision of whether they should drink or not," Dworak said.

He said he thinks that if the bill had passed in the Legislature it "would have driven students back into alleys and country roads" to drink.

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