

beginning I'm not trying to kill this bill. I believe also that there is a positive value to bringing the regulation of these matters down onto the state level, a very positive value. However, I think how we do that is also extremely important. Now it's interesting, Senator Bromm pointed out that you may be dealing with more than one NRD. Well, under the special protection area statutes a special protection area can be declared that includes property in more than one NRD. So that is not a problem. If you really think that that's a problem, then you are calling into question the whole regulatory structure that we have for fertilizers and for contamination generally. We need to think one way or the other consistently on these matters, and what I'm doing is suggesting to you what is consistent with the past. Senator Bromm indicated the need for coordination at the state level and I believe that there is a need for that coordination and I believe, if I understand the EPA mandates correctly, that there needs to be a state level agency that ultimately has the hammer, but having ultimately the hammer and how you exercise that hammer and who is the enforcement agency in the first instance on the front lines makes a heck of a difference. Under the special protection area law, there is a hammer at the state level which is the Department of Environmental Quality, but the initial enforcement and in our experience the only enforcement necessary has been through the NRDs once there has been negotiation and agreement between the state agency and the local NRDs as to what the action plan needs to be. And that's all I'm suggesting here, that we ought to put into statute something that says, yes, we're going to use that same mechanism that we use for fertilizer, the same mechanism that we set up in the past to protect local communities and to get input from local communities and to allow the Department of Ag to have the hammer in the end, the final authority, but not until the system that they've put into effect through the NRDs has proved to be ineffectual. Give the NRDs the first chance to enforce and probably that will be the only enforcement you will ever need. At least, in my experience and from what we've seen so far, the NRDs react very positively to what needs to be done when there is agreement reached as to what needs to be done. Thank you.

PRESIDENT MOUL: Thank you, Senator Beutler. Senator Baack.

SPEAKER BAACK: Yes, Madam President and colleagues, I would like to ask Senator Beutler just a couple of questions. One of them...the first question is, who does this leave the ultimate