

SENATOR VRTISKA: Yes.

SPEAKER BAACK: Then go ahead and speak. (Laughter.)

SENATOR VRTISKA: I thought you were going to go down the list. I didn't know how long we were going to stand here. (Laughter.) I want to address the Wehrbein amendment because I think it's important to this bill. I guess, if I had anything to say, I would say that it probably was not quite strong enough. My concern is, when I say not strong enough, is that what he has done is saying that basically, after the fact, they have some recourse. My concern is by the time they find out they're being damaged, and they have a hearing, and it's set up, and the process is gone through and it's determined they are actually being harmed, their well may be dry, and that's a little bit late to do anything about it. But it is def...it does make the amendment of Bernard-Stevens better, and I can support it. But, as I said, I think it could even be just a little bit stronger. So, with that, I would rise and support the Wehrbein amendment. Thank you.

SPEAKER BAACK: Thank you, Senator Vrtiska. Senator Bernard-Stevens, on the Wehrbein amendment.

SENATOR BERNARD-STEVENS: Just briefly, Mr. Speaker, members of the body. I, too, support the Wehrbein amendment.

SPEAKER BAACK: Senator Beutler, on the Wehrbein amendment.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, it's hard to oppose Senator Wehrbein's amendment when it's proposed as an amendment to the Bernard-Stevens amendment, because certainly that's an improvement. But just as certainly I think that Senator Vrtiska has pointed out the problem with that particular procedure, it probably would be too little too late. But beyond that, keep in mind also isn't it putting the shoe on the wrong foot? If I'm a municipality and I want to transfer water, I need to show that that transfer is not going to harm somebody. I have the burden of proof. If I'm taking water under the Industrial Transfer Act, if I want the water, if I'm applying for the water, I have the burden of proof. And so it should be under 301, the new bill that we have. If I am a city, applying for the surface water, I have the burden of proof. Why should it be that those who are there doing nothing, who don't