

April 8, 1982

LB 726

below the surface of the soil. Now many ranchers have chosen for reasons of their own, most of them because they want to improve the drainage of their so-called wetland and increase their accessibility to haylands, have dug ditches and drained some of their ranchland, some of their wet meadows. Under LB 726 if you do those things which impact upon the surfacewater that drains the subirrigated wetlands you are going to drain those lands and under 726 you can be denied that opportunity. Now you can stand here today, Senator Cullan, and say it won't work that way, but that is what the law says, the way you drafted the bill.

SENATOR CULLAN: Where does it say that, Senator Schmit?

SENATOR SCHMIT: Senator Cullan, you read the bill. I read it and it says it very plainly and if you pass it into the statute, you will find attorney after attorney, and that is what you want to become, explaining that to rancher after rancher as he proposes to drain his wetlands.

SENATOR CULLAN: Mr. President and members of the Legislature, I guess I can't find what Senator Schmit is talking about. There has never been a statement by anyone on the floor of the Legislature, I have never seen anything in the bill that would indicate that wetlands could not be drained, that surfacewater couldn't be drained off to improve irrigation. In fact, it is a very necessary thing at certain times of the year, and I don't know what Senator Schmit is reading and I don't know where his information comes from, but I don't see it in the bill. I don't think Senator Beutler sees it in the bill. I don't think Senator Vickers sees it in the bill, and I don't know who sees it in the bill, but I don't believe it, and I don't think that that is part of LB 726. The issue is the issue of local control, and if Senator Schmit or anyone else in this room believes that a board of directors of a Natural Resource District in the Sandhills is going to prevent people from draining subirrigation on their land when that is necessary, well I think they don't know too many of the people in the Sandhills. I don't believe that local control is going to be exercised in that fashion. I don't even believe that...

PRESIDENT: One minute, Senator Cullan.

SENATOR CULLAN: ...has anything to do with LB 726. The other thing I would say is that, Senator, I have not yet heard a reason to vote against LB 726 from someone who can point to the language of the bill and indicate a problem. I heard Senator Kremer say it is not the right time and people don't all agree. I don't think the people are ever going to all