

think a lesson probably legislatively is that anytime you make a laundry list you're always going to leave something out. Certainly when this piece of legislation was done back in 1955 they made this laundry list of items. At that point in time wetlands was never an issue. Federal government had never thought of the issue of wetlands and even though the legislation says state highway purposes shall include but not limited to the following, wetlands was not listed as one of fourteen reasons why you could acquire property and land. And thus, the need for LB 899 would add to the section of the law what a highway purpose is and that is for the acquisition and mitigation of wetlands. This is due entirely because of the requirement of the federal government that we get that permit. Oftentimes you cannot find a willing seller in the area and thus, you must condemn property, although if you have this as a hammer, willing buyers may be sometimes easier to find, but we need to put in some provision for the Department of Roads to be able to get property for wetlands mitigation. How big of impact does this have? Somewhere between 20 and 25 percent of all highway projects involve wetlands. That's how extensive this is. If we do not pass this piece of legislation, those projects certainly will be slowed because there are lawsuits pending or at least one that has been filed against us because we did not have the authority to acquire land for wetlands purposes. Road projects will be slowed. If they are slowed they cost more. If they cost more some of the projects aren't done, et cetera, et cetera, et cetera. There has been a temporary injunction placed upon the State of Nebraska in one particular case. I think Senator Wickersham is probably more familiar with that. LB 899 has another provision in it that would allow for the establishment of wetland banks. Wetland banks would be, let's say you had to take an acre here or there on a particular project. It would be more convenient up and down the line on a project to have one area where you put all those one-acre spots into one composite area. And, in fact, the federal government may require you to do that because a little one-acre or a half of an acre wetland wouldn't be very effective and may not meet their guidelines and so you need the ability to make a little larger area. That is the area that caused some concern on consent calendar. There has been an amendment. Senator Wickersham has cosponsored this with me. Senator Lamb offered some concern about that. You will see, I think, passed out on your desk an amendment signed by myself, Senator Lamb and Senator Wickersham that would at least in some measure restrict this so there couldn't be unlimited banking and the concerns, I