

at state level but the Corps of Engineers did get into it and the Soil Conservation, of course, is federal too. So I wanted to explain that. That's one thing of basis that I had to start with with this whole bill, not just with Nebraska Cattlemen and Farm Bureau, but that's where this basis all started at. Another example I would like to give is down south of Lexington, a man by the name of Joe Jeffrey has a pivot that goes around and makes a circle right south of the Platte River. In 1993, the water kept a cutting the bank until the outside pivot tower would go off in the river, so that's just like taking a piece of pie and cutting a chunk out of it, you cannot use that ground no more as irrigated ground, it's just dryland now. So that made that less value than it was before because he can just plant dryland crops on it. So I wanted to get that explained where this kind of stemmed from. And so whether we can word this bill to make it work or not, I think that we just want to have a little precaution in our state law to keep things like that from happening at the local level. So with that, I'd just thank you.

SPEAKER WITHEM: Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker. I wanted to just briefly respond to Senator Preister's comments about Ash Grove and his points that he was making. And his points are very well taken, and I can't speak for anybody else, but I'm confident it's not Senator Jones's nor Senator Wickersham's intent, and I know it's not mine to make a situation such that you can't regulate a polluter or an Ash Grove, if they're spewing harmful substance into the air. The examples that were given of the hog operation, and the example that I gave with respect to the well, I think, was in response to questions from Senator Chambers to the effect that can you give us an example of the taking where there is not compensation? The answer is yes, where the public health, safety or welfare is involved, or where there's a nuisance involved there can be, in effect, a taking without compensation. This doesn't change that in any way and it doesn't purport to change that. The situation with an Ash Grove would be exactly the same after the enactment of this legislation as it would be before, and that is that if they are proven to be violating the clean air standards and if they are putting harmful substances into the air the DEQ will absolutely have the power to regulate them and to make them stop doing that, because it is in the interest of the public health, safety and welfare to do so. And Ash Grove would not be entitled to compensation any more after this enactment of this law than they