

March 13, 1979

LB 27

SENATOR CULLAN: That is correct and that's.....

SENATOR KELLY: Conversely, the irrigation well is in place and the domestic well comes along and drills along side of the irrigator and he doesn't get any water, the domestic well will cause the replacement and the depth. Now the timing of that is, if you've got an abandoned well, now you go back and have that be the time. That will put you in place before the irrigation well was drilled. All right, now then, this Subsection (4) also says that you have to put the replacement in in a manner which will do away with the probability of temporary or permanent interruption of service of the well. That means you are going to have to drill it deep enough or you are going to have to keep the capacity in, which is what we want.

SENATOR CULLAN: Thank you, Senator Kelly. I appreciate your clarifying your comments and now I know exactly why I disagree with you. Senator Kelly is saying that if a well is abandoned that that should be given some preference. Why should an irrigator have to anticipate damage to a well that isn't even being used? Why should an irrigator have to do that? I think that Section (4) destroys LB 27 and if Senator Maresh or Senator Sieck's amendment is not adopted then we have done nothing but confuse the court system and I think if Senator Sieck's amendment is not adopted, we have no alternative but to indefinitely postpone LB 27.

SPEAKER MARVEL: I would suggest to Senator Cullan for just a moment that there is an alternative and we are looking it up now. I guess it hasn't been used for a while but if there continues to be immense disagreement on important measures like this, most of you appear to be on one or two committees, the Chair does have the prerogative of suggesting that the bill be returned to one of the standing committees so that it can be ironed out. I think maybe the rules also need to be changed that where there are several who aren't necessarily on one committee, perhaps the bill could be sent to them. So we will continue the debate but by tomorrow I would suggest that at least you can begin to think about this. We can't go on indefinitely this way and be fair to some other measures.

SENATOR CULLAN: Mr. President, I would strongly object to that. The bill has had a public hearing. Members of the Public Works Committee understand the bill and I am