

NRD ORAL HISTORY INTERVIEW PROJECT

INTERVIEW OF RALPH FISCHER
BY JIM BARR

October 31, 2014

1 PROCEEDINGS:

2 MR. STARR: I'll start with Ralph. This is an
3 interview with Ralph Fischer at his home in Beatrice,
4 Nebraska, on October 31, 2014, as part of the NRD Oral
5 History Project.

6 Ralph, I'd ask you to give a little run-down of
7 your career and so forth.

8 MR. FISCHER: Gayle, I was born on March 9, 1944,
9 and lived in Wymore, Nebraska, and graduated from high
10 school from Table Rock, Nebraska, in 1962. I went to the
11 University of Nebraska at Lincoln undergraduate and then
12 College of Law. And I graduated from the College of Law in
13 1968. Before graduating, my last year in law college I
14 interned at the Soil and Water Conservation Commission, and
15 I did, you know, small projects and worked around and met
16 the people there. When I graduated from law school then,
17 the gentleman who was the lawyer for the Commission, or a
18 staff person with law experience, wanted to add another
19 position and asked me and Warren Fairchild, who was the head
20 of the Soil and Water Conservation Commission at that time,
21 a state commission, anyway they hired me after graduation to
22 be the staff legal person. After 1969, in 1970, then, I
23 moved from the Commission to private practice in Beatrice,
24 Nebraska and I was in private practice for about nine years
25 when a local Beatrice family-owned group of companies and

1 businesses hired me to be the understudy for their then-head
2 guy. And he retired, then, a year and a half later and I
3 became the -- whatever the businesses needed, you know, the
4 president of companies or the -- a director of companies,
5 that sort of thing. I did that until I retired in 2011.
6 That family company was called Scully Estates, mostly
7 landowner businesses. And I retired in 2011 and here I am
8 today on Halloween of 2014.

9 MR. STARR: Right. You may have already answered
10 this, but what factors persuaded you to work for the Soil
11 and Water Conservation Commission?

12 MR. FISCHER: I had -- while in law school, one of
13 my favorite courses was Professor Harnsbarger's Water and
14 Natural Resources, which was really a seminar-type course
15 for a couple of semesters, one semester at least. And I had
16 become interested in the work being done in the state in the
17 line of soil and water conservation.

18 My grandfather on my mother's side, he ran the
19 water plant in -- for Wymore and Blue Springs, Nebraska, and
20 he was always interested. He talked about water issues and
21 water quality issues. And I suppose that's why I originally
22 took the seminars.

23 So, plus then working, interning at Professor
24 Harnsbarger's recommendation, that got me further
25 interested, and things were a bit (indiscernible) then.

1 Warren Fairchild, Warren was a very bubbly personality, and
2 he said that there were some things coming up the next two
3 or three years that were going to change things and that I
4 should come on board and be a part of it.

5 MR. STARR: Prior to the decision to proceed with
6 the NRD legislation, what were the discussions that took
7 place and what factors were involved in making the decision
8 to go ahead with it?

9 MR. FISCHER: When I started, Warren Fairchild
10 principally was already interested. He wanted to do
11 something. And the discussions were that there were all
12 these fractured districts in Nebraska set up mostly on
13 political boundaries, either counties or in some cases just
14 townships, and that they weren't coordinated. Their work
15 was not coordinated, as far as soil and water conservation
16 water issues. And they had fractured powers. Heck, one was
17 just a mosquito abatement district. You know, others just
18 dealing with the drainage aspect of it because there are
19 areas of the state where there's too much water and the
20 problem is getting rid of it and having to build ditches to
21 drain, and they wanted money to build the ditches. So, you
22 form a district so you can tax people.

23 MR. STARR: Right.

24 MR. FISCHER: And Warren's general idea was he
25 wanted some more -- some districts formed with more

1 inclusive duties and powers and somehow formed on watershed
2 lines, like Little Big Blue, the whole watershed of the
3 Little Blue or the Big Blue from start to finish. And there
4 was -- and the talk was, about getting it done, was it was
5 political and it was -- there were legal issues, some things
6 had to be changed to make it happen legally. Politically,
7 there were people strung out across the state who needed to
8 be talked into doing this, right? You remember those?

9 MR. STARR: Oh, yes.

10 MR. FISCHER: And when I started, they had just
11 sort of started with meetings with more than one person.
12 Warren had been around and he had talked to -- one-on-one
13 with people, I think, you know, around the state in some of
14 these different districts, which I imagine other people have
15 mentioned to you.

16 MR. STARR: Yeah.

17 MR. FISCHER: You know what those districts are
18 that were involved.

19 MR. STARR: Sure. Sure.

20 MR. FISCHER: So, it was -- and then, when I got
21 there, then we -- the talk was I was to work on taking these
22 different districts and I'd, you know, talk to people and
23 say include these or not. And that was a whole process
24 about which types of districts to include.

25 Warren, you know, wasn't aware of specific legal

1 issues too much or, if he was, you know, he didn't know
2 what -- how that affected the actual things you could do.
3 Principal among those are elected officials. You can't just
4 terminate the term of an elected official. So, that's a
5 whole (indiscernible), that's a whole problem in itself.
6 Another one was that some of these districts had bonded
7 indebtedness. And you know, taking one area's bonded
8 indebtedness for specific projects, like drainage in one
9 area, and then making other landowners in other land areas
10 responsible for those bonds and all of that was very tricky.

11 And the political aspects of dealing with the
12 members of the boards of these districts throughout the
13 state, I mean, that I didn't get involved. Well, some, but
14 Dayle Williamson and Warren Fairchild, and maybe you were
15 involved in some of that, Gayle. Gayle Starr.

16 MR. STARR: Some, yeah.

17 MR. FISCHER: But these meetings to convince
18 people that the idea was a sound idea and it could be
19 accomplished. And I was -- I would help with that, but I
20 was principally tasked with "get the words on paper" that
21 would take all these districts somehow and make them into
22 what, you know, NRDs, natural resources districts, put
23 together mostly by watershed concerns and take care of all
24 the (indiscernible).

25 MR. STARR: When the decision was made to proceed,

1 and then they said, "Ralph, draft this bill," what guidance
2 were you given?

3 MR. FISCHER: That. What is sort of what I just
4 discussed. That it should be more inclusive in nature on
5 responsibilities. This new district, that there would be a
6 number of, should have more responsibility that crossed over
7 and the responsibilities really affected each other. And
8 then, they should have the powers necessary to accomplish
9 the goals of all the merged types of districts. And this
10 was not something that, when we started actually drafting
11 that, we knew exactly which districts were going to be in it
12 and how it was going to be done. We'd work along and run
13 into something and then had to be worked out politically.

14 MR. STARR: I assume that, as you drafted versions
15 of it, there were changes along the way. You said, well,
16 this won't work. Try this.

17 MR. FISCHER: Yes. Yeah. Principally, it was
18 the -- well, I don't know what went -- principally, we had
19 the problem of the strongest districts, and they tended to
20 be the irrigation districts and irrigation-related
21 districts. They were the strongest districts. They didn't
22 want to change.

23 MR. STARR: Right.

24 MR. FISCHER: They had personnel and were strong
25 minded about what they were doing. They also had the bonded

1 indebtedness and obligations to the federal government. And
2 that, you know, that sort of problem would come along.
3 You'd just have to decide, well, we've just got to forget
4 about those. And that was the kind of thing that would
5 happen.

6 MR. STARR: Yeah. Did you have any assistance in
7 drafting it or were you a solo job?

8 MR. FISCHER: I didn't. It was -- no, it was
9 pretty much me. I had an assistant, Lee Orton. Did you run
10 across Lee?

11 MR. STARR: Sure.

12 MR. FISCHER: Talk to Lee? Oh, yeah. Later on,
13 and actually I had Lee when I sort of knew I'd be leaving.

14 MR. STARR: Uh-huh.

15 MR. FISCHER: So, Lee, I sort of trained to go on.
16 But, no, I didn't have any assistance, but I would go talk
17 to the Commission's assigned lawyer in the Attorney
18 General's Office. I talked to him probably three or four
19 times. I said, "I think this is an issue. What do you
20 think? What do you know about that?" And we'd work
21 together a little bit. And -- but mostly it was sitting
22 down, taking the enabling legislation for all of these
23 different kinds of districts, and trying to mesh it together
24 into one enabling law; one set of responsibilities, duties,
25 powers, money-raising capability; how their boards work; how

1 they elected every (indiscernible). Worked on all that
2 without violating any constitutional provisions about term
3 of office and bonded indebtedness, things like that.

4 MR. STARR: Yeah. What things were left out of
5 the 1357 that you personally would like to have included?
6 That -- what wasn't included for whatever reason?

7 MR. FISCHER: You know, in the end at that time,
8 with how far you could go at that time, I thought it was
9 pretty complete. And again, give Warren Fairchild his due
10 on that, on him being able to handle the politics of it.
11 And Maurice Kremer and Herb Nore were senators at that time,
12 and they said, you know, yeah, we can make that do. Because
13 at that time, I didn't think including irrigation districts
14 was a good idea at that time. And I thought, given
15 everything, it was a pretty bold move politically to proceed
16 forward on that.

17 MR. STARR: You covered some of this, but what
18 political issues as, you know, I'm sure that Warren or you
19 and others talked to the governor and senators and local
20 officials. What political issues came up that you had to
21 either avoid or take care to deal with?

22 MR. FISCHER: The Department of Water Resources at
23 that time was a government appointment. They are a little
24 different than a commission.

25 MR. STARR: Right.

1 MR. FISCHER: And not stepping on their toes and
2 keeping them satisfied that we were not getting in their
3 territory was a political issue. We knew that. And I'd say
4 that it didn't turn into a problem. I guess because we were
5 all aware that that was an issue.

6 Another one was there were some strong
7 personalities, especially out west, on some of these
8 districts, and it was a matter of showing them how this
9 would be even better for them, which it was I think, better
10 for them than what they had. And so, these types of
11 individuals and boards and finding out who it was that made
12 boards work and working with them. I would say those were
13 the principal things.

14 MR. STARR: What issues or things were left out of
15 the bill that you personally would like to have included?

16 MR. FISCHER: I can't recall any.

17 MR. STARR: Okay. And you've probably answered
18 this to some extent. What are your recollections of
19 introducing this concept or discussing it with the governor,
20 the senators, the local officials, and et cetera?

21 MR. FISCHER: I thought it was all very positive.
22 The governor was supportive. The -- Maurice Kremer and Herb
23 Nore, I don't remember C. F. Bolton (phonetic), but -- and
24 George Syas, but I think those introducers, at least three
25 of them, took care of the legislature. And if they needed

1 more talking points, they'd invite somebody to a meeting or
2 something, be there for -- to give assurances on some
3 things. The thing, they took care of the legislators pretty
4 much. They worked with them, and I don't remember having to
5 work with other legislators much.

6 MR. STARR: Among the controversial issues around
7 the implementation time was the boundaries. You know, how
8 do you determine the boundaries and the actual details of
9 the merger? How do you fit things together? How did you
10 envision dealing with that in the legislation?

11 MR. FISCHER: It was tricky. That was tricky. As
12 far as the boundaries, my advice was stick with something.
13 And stick with the watershed, you know, river, watershed
14 areas. Stick with that. And just say, exceptions, pretty
15 much no as much as possible. So, have a position and stick
16 with it as far as the boundaries go. People didn't like
17 that particularly, but if you were consistent and stuck with
18 it, mostly I think that flew. Mostly, that worked.

19 I can't tell you after 45 years, and Lee Orton had
20 to work with some of the actual implementation that I didn't
21 have to. And I know he ran into a lawsuit, couple of
22 lawsuits maybe, and ran into some issues that you need to
23 change this boundary for some reason other than watershed.
24 Maybe Lincoln or Omaha and some strong political boundaries
25 and not crossing over some of those things.

1 Those, I think, and you just had to tell people,
2 "You're not losing your job." But when you go to get
3 reelected when your term's up, you're going to be reelected
4 by a larger base of people maybe. Although, in the
5 elections, they ended up setting up some sub-district areas
6 for -- so you had representation for across the district.
7 That was provided for. And that helped in that.

8 MR. STARR: As I'm sure you were aware, between
9 when 1357 was passed in 1969 and the actual implementation,
10 which got delayed until 1972, there were numerous amendments
11 along the way. What was your take on that process?

12 MR. FISHCER: I was gone in 1970 and was not a
13 part of that process. Warren Fairchild, I think, was gone.

14 MR. STARR: Yeah. He left in about --

15 MR. FISCHER: Before '72, wasn't it?

16 MR. STARR: Before '72.

17 MR. FISCHER: Yeah.

18 MR. STARR: (Indiscernible) I can't remember
19 exactly when, but --

20 MR. FISCHER: I'm not sure they were. So, I don't
21 know if they were all necessary or not.

22 MR. STARR: Yeah. One of the significant
23 amendments were made was regarding the boundaries, how
24 boundaries were determined and so forth. As you've seen
25 what's happened since 1970, as a citizen and as an attorney,

1 what's been your observation of what the NRDs have done?

2 MR. FISCHER: Oh, my principal experience is with
3 the Big Blue NRD. Ron Fleecs was the head of that for much
4 of the time I was interested. And I thought it was
5 performing the way they were supposed to, at least this one
6 under Fleecs, the Lower Big Blue Natural Resources District.
7 I thought was going ahead the way it was envisioned.

8 MR. STARR: Yeah. Since the implementation in
9 1972, there have been amendments not every year, but a
10 number of amendments up until last year. I don't know what
11 knowledge you have of any of those, but --

12 MR. FISCHER: No, not much. You'd have to tell me
13 about those, I guess.

14 MR. STARR: Well, looking back from 45 years or
15 however many years later, what are the things that you wish
16 that you had done differently or, golly, that would have
17 worked better if we'd have done something different there?

18 MR. FISCHER: I can't think of any. I'm sorry. I
19 don't know. The process was never meant to be we're going
20 to pass this and this is going to be in stone what it was.
21 I mean, we knew they would have -- the future would bring
22 changes and there'd have to be some changes made. I can't
23 think of anything.

24 MR. STARR: That's true of almost any significant
25 legislation.

1 MR. FISCHER: Yeah.

2 MR. STARR: Looking back, are there any other
3 recollections that you'd like to make a matter of record or
4 think about what happened or what didn't happen?

5 MR. FISCHER: As far as the whole process of
6 kicking off the whole natural resources districts, if we
7 had -- I don't know. I don't know kind of what went on in
8 some of the information meetings and how it was all
9 presented and all, but I know it got passed. And it was
10 pretty much what had been envisioned and told to me, what
11 was trying to be accomplished and within what the law would
12 allow, we did a pretty high percentage of what we set out to
13 do.

14 MR. STARR: When you got a final draft and took it
15 to the Attorney General's Office for their review, did they
16 make many changes? And I don't know, was it Ralph Gellen
17 (phonetic) at that time or --

18 MR. FISCHER: Yeah, it was. Yeah. That's the
19 Assistant Attorney General I worked with. You know, he was
20 pretty content. He was pretty content with things. I mean,
21 he went through it. I don't know what he thought
22 politically, you know, whether it's what he would have done.

23 MR. STARR: Well, that wasn't his job.

24 MR. FISCHER: That wasn't his job. And he
25 gave -- he put it in bill form and selected -- I remember he

1 did that and I don't remember much, if anything, else. Mind
2 you, in working to the point of me giving him something that
3 I said, "Well, this is the form we want to proceed with," I
4 had met with him a couple or three times to prepare for that
5 moment with him.

6 MR. STARR: Sure.

7 MR. FISCHER: So, I -- it was mostly what had to
8 be done as far as formatting to make it into a legislative
9 bill.

10 MR. STARR: Well, Ralph, this is about all the
11 questions I have. Is there anything else you'd like to add
12 before we close?

13 MR. FISCHER: No. I mean, not for the record.
14 I'd like to know what happened to a couple of people and
15 what they did, and it's mostly people-related. I don't have
16 anything to add. I may have some questions for you about
17 what some of these changes were, so, no, I -- that's it.

18 (Whereupon, on October 31, 2014, the interview was
19 concluded.)

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