

out again that these factors are factors that he must look at, if he chooses to look at factors in addition to these he can certainly do so. But just for your reference purposes it is page six of the bill that will probably be most helpful to you in following along on different proposed amendments and again on further on page six of the bill it is lines 20 through 23 now that are the bottom line of the bill. That bottom line is that the application shall be denied if the benefits to the state from granting the application do not outweigh the benefits to the state of denying the application. So, that is the balancing test in the end and I think Mr. Speaker we can probably proceed from there. Thank you.

SPEAKER MARVEL: Senator Vickers, do you have an amendment to the bill?

CLERK: Mr. President, Senator Vickers has an amendment that is found on page 1526 of the Journal. It would read as follows. Read Vickers amendment.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, this amendment is offered in good faith. I'm sure that Senator Beutler is not going to approve of it, but the amendment would change the burden of proof, if you will, to indicate that the application shall be denied if the benefits to the state would indicate that it should be instead of being the other way around as it is presently worded. It seems to me that since the Constitution of the State of Nebraska makes it clear that appropriations shall not be denied, based on the public interest, that if we are going to attempt to put some criteria in the law and as I indicated the other day I agree with Senator Beutler's intention with LB 252, I think the criteria should be put in, but I think the criteria should be also in conformity with the Constitution and with the way we have done it in the past and it seems to me by changing the language to say that it shall be approved unless the benefits to the state from denying application outweigh the benefits to the state from granting the application. In the end I don't believe that there will be an awfully lot of changes, an awfully lot of those that are either pro or con as far as transbasin diversion is concerned, I really don't think there will be an awful lot of change no matter which way the wording is done. But it does seem to me that the wording should be in conformity with the way we operated in the past. I'll be perfectly honest, it also puts the burden on the other side. In the past we have