

May 21, 1981

LB 252

CLERK: 26 ayes, 1 nay to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I . . . those of you who are expressing concern of the lateness, I understand and I appreciate that. I don't believe though that I am suggesting any change in the criteria as the bill has spelled out with the exception of one. That one criteria would be that there would be some kind of a definition to the foreseeable future use. I would defy anyone on this floor to define what the foreseeable future is. What that date is. That is to be determined by court, obviously no one can possibly put a definition. My only suggestion is that that could be a defying term that would be relative to each application and have something specific and would secondly provide a second opportunity to reassess then. I would even agree with those who say there is plenty of time, because I'm sure there won't be any adverse effect from this legislation to anyone either. The reason I say that is it is not going to do anything other than go to court. You can not possibly defend or define the vagueness of most of those criteria. I would suspect the pot shots will be taken at the director of Water Resources regularly over the next few months if he attempts to promulgate rules and regulations to implement the vagueness of those criteria. Mark my word I can tell you I told you so, I'll bet anything come January. The guts of the amendment that I would propose that the bill is returned has nothing to do with criteria. It is an attempt to devise a system in which the factual situation of what the water question is, whether or not it should be diverted or not, that is all that I am talking about in the . . . in the amendment. Now whether or not that was discussed or not somewhere else rejected, I don't know. I do not recall any discussion on the floor relative to that part of the process. The only process that I remember being discussed was the criteria themselves and they had nothing to do really with the criteria, it was whether you were pro or anti-diversion and that was about it. I would hope that you would consider bringing the bill back to consider these kinds of amendments because I think it would make a much more meaningful piece of legislation than what we have now and a much more effective one in spite of the lateness of the session. With that, Mr. President, I close.

SPEAKER MARVEL: The motion is the adoption of the Warner motion. All those in favor of the Warner motion vote aye,