

May 27, 1981

LB 544

PRESIDENT: Well we are in the middle of a vote so we can't do anything right now. We have to finish this vote and if somebody doesn't start voting there won't be any snag. Senator Beutler. Record.

CLEFK: 16 ayes, 21 nays, Mr. President, to overrule the Chair.

PRESIDENT: The Chair is sustained. Now, we are back to the speaking list then. We still haven't got anything accomplished because the bill is not returned yet. So you haven't got the bill returned yet so, Senator Warner, you are the next speaker.

SENATOR WARNER: Are we on the amendment?

PRESIDENT: Yes. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, first I have one brief question for Senator Cullan if he would briefly explain why the severability clause is attached. What part of this is suspect?

SENATOR CULLAN: Mr. President, I very often include the severability clause particularly when you add amendments to bills that already have other amendments adopted to them. So as a matter of routine I always add the severability clause. I think I did the same thing on 285 the other day if I am not mistaken.

SENATOR WARNER: Okay, thank you, some cause for concern then I take it. I would oppose returning the bill though for two or three other reasons. I can appreciate the motion of the coal slurry line but I would hope the body would not return this bill because as I read the amendment what is to determine public interest again is so vague and imprecise, unprecise, that I don't know what a director or state engineer would do with it and I would suspect no one could define what those really are intended to accomplish. There is no basis for a state engineer to make a determination. Obviously if he was going to make all these determinations that are called for here it would be a tremendous expense. I am not aware of any fee to be charged in the amendment for making this determination. I don't see a process for public hearing. I assume maybe elsewhere under this broad guidelines that the department has that a public hearing is possible but it is not precise that that is, at least I did not see it in the amendment, that it precisely calls for it. But there are obviously determinations to be made based upon the language here that the director or state engineer or the Department of Roads would have absolutely no basis at making that deter-