

April 18, 1991

LB 827

CLERK: 12 ayes, 0 nays, Mr. President, on adoption of Senator Johnson's amendment.

SENATOR WARNER: Motion carries and amendment is adopted. Any further amendments on the desk?

CLERK: Yes, sir. Mr. President, Senator Dierks would move to amend. Senator Dierks, I have AM1196 in front of me. (See page 1614 of the Legislative Journal.)

SENATOR WARNER: Senator Dierks.

CLERK: AM1196, Senator.

SENATOR DIERKS: 1196?

CLERK: Yes, sir.

SENATOR DIERKS: Mr. Speaker, members of the body, I brought this amendment to LB 827. It is an amendment that removes the provision that provides for any party aggrieved by a Department of Environmental Control decision concerning licensure of this facility, that they may appeal directly to the top of the Supreme Court docket. What it does is restore the original language which provides for appeal through the normal course of the Administrative Procedures Act. I guess I have problems with the fact that we would put in law the fact that they can skip over the normal procedures and go directly to the State Supreme Court. So I'd just ask your approval of this amendment and it is as simple as that.

SPEAKER BAACK PRESIDING

SPEAKER BAACK: Thank you, Senator Dierks. For discussion on the Dierks amendment, Senator Abboud. Senator Morrissey, on the Dierks amendment?

SENATOR MORRISSEY: Yes, Mr. Speaker, members, thank you. I would simply rise to support Senator Dierks's amendment. I had the same questions in committee and the same concerns on the appeal, and I think we should allow the process to operate as we do in other conditions, and I would support Senator Dierks in this amendment. And I think since...as of right now, all the pressure of five...of the benefit of five states for this facility is presently on these people in this area, and, thus,