

and, hopefully, to make it so separate that the state's not going to be liable. I have some doubts as to whether that can be done but I did amend the language to indicate that tort liabilities against the state or against the council would also...the state would also be protected against those kinds of liabilities so that now, at least in terms of the language of the statute, the State of Nebraska shall not have responsibility for the debts, contracts, general obligations or liabilities, including tort liabilities of the council. That's what we do to protect the state, although you might well ask yourself, but what about the individual citizen out there who is hurt by the operations of this...of this council, of this railroad and for some reason, for one reason or another, is not compensated? Does the state want to be in a position where we're intimately tied in with the railroad but then we're saying to one of our citizens, nope, no liability? That starts to get close to some other situations that we created in the past where we end up saying, nope, no liability and didn't feel entirely comfortable with that situation. The next part of the amendment, on page 9, the bill provided that with regard to the members of the council the Governor, in order to remove a member for just cause, would have to come and obtain the approval of a majority of the Legislature which would have required, I presume, coming in here when the Legislature was in session and having some kind of resolution passed. This part of the amendment deletes that requirement and simply leaves it to the Governor to remove any council member for just cause. And I think that that ability to act quickly, especially in light of situations like Mr. Peery's, which we've witnessed just recently, is a needed change in the law so as to enable the Governor to take some effective action in case something should go wrong quickly and cooperation from the council is absolutely essential. The next part of the amendment is on page 11, line 7, and under this part of the amendment, under this part of the bill it says that there shall be no liability for damages on the part and no cause for action in tort or other nature shall rise against the council. Now we're talking about the council itself or its agents or employees for any action taken by any of them in the performance of their powers or duties under this particular act in such...unless such action shall be willful, wanton or fraudulent.

PRESIDENT MOUL: One minute.

SENATOR BEUTLER: What the amendment would do would say that