

I...I feel a bit unprepared, and the reasoning is because here on Select File we have had this morning filed a 10-page amendment which begins with the words "strike the original sections and all amendments thereto and insert the following new sections". We get that, it's not been printed in the Journal, on Select File, and then I scurried around this morning to try to determine what the amendment did, and then now we have the Beutler-Wickersham amendment, which has some changes in it. So my amendment to the amendment that Senator Beutler had, at nine o'clock this morning, are now out of date. So, I guess I feel fenced in. But nevertheless, let's go forward from here. If you would like to pick up your amendment that Senator Beutler just circulated, it's the Beutler-Wickersham amendment, I believe, AM3527 to LB 306. And if you would like to turn to page 9, lines 8, 9 and 10, what I would like to do is reinstate the original language and eliminate the new language. If you'll read there, the paragraph is real short, I'll just read it. In the original language it says, in determining whether an application for an instream appropriation is in the public interest, the director shall consider the following factors, and then down below there are several factors listed. Now in Senator Beutler's amendment that language has been changed to read, in determining whether an application for an instream appropriation is in the public interest, the director's consideration shall include but not be limited to, and then those factors are again listed. Well I object to that because what it does, in essence, is give the director pretty much a blank check, because he's not limited to the factors which the Legislature said should be considered. He's not limited. It gives the director a blank check, I have every confidence in Mike Jess. Mike Jess might not always be there. This is not the kind of language that the Legislature should adopt, giving the Director of Water Resources authority to do what, in my opinion, the Legislature is not...is not accepting, or is not pointing out that he should do. When you say that the director's consideration shall include, but not be limited to these various factors, you are doing what a lot of people blame the Legislature for doing, and that is leaving too much up to the staff people, to the departments. Then they come back around and...and they do some things and people come to the Legislature, some things that the people do not approve of, people then come back to the Legislature and say how did this happen. Well, we gave him the authority to do this and that's what he did. I think we should have more stringent control over those departments to, in effect, tell them what the Legislature