

any merger that same procedure would be used. Now I don't think that there is any question but what it is going to be used, but in case that it is not, in case there is something wrong with it, that is the reason we put that severability in because this Legislature adopted on Select File a provision that says we are going to have a declaratory judgment on that particular section of 662. These amendments, as Senator Johnson indicated to you, are brought before you in good faith to try to make this bill a workable piece of legislation. I would urge your adoption of it. Thank you, Mr. President.

SPEAKER NICHOL: Senator DeCamp is next but, Senator DeCamp, may I announce of guests in the south balcony, guests of Senator Chronister. There are 58 fourth grade students from Schuyler School in Schuyler, Nebraska, with teachers. Would you please stand and be recognized. Thank you for visiting the Legislature this morning. Senator DeCamp, then Senator Beutler.

SENATOR DECAMP: Mr. President, my purpose in speaking is not necessarily to attack the bill at all but to ask three questions specifically on these amendments, which if for no other purpose I want in the record. Question number one has to do with severability and I would like any lawyer who is involved in this to respond to my question, I guess Vard or David Landis. The question goes like this, as I understand the law, the courts apply the severability test whether you have that language in there or whether you have any language in there or not. It is automatically done by the courts to apply the severability, number one. Number two, when they apply automatically the severability, it is further my understanding of the law that they determine if that portion that they say is unconstitutional is so intertwined with the entire bill that it cannot reasonably be separated without affecting the whole bill. If it can be completely separated without really affecting the bill, then they sever it, whether you ever put language in or not. However, if it cannot be severed automatically without affecting the rest of the bill, then they declare, and this is important, the entire bill unconstitutional. My question to you then, in view of the fact that you are putting in a special severability clause for only a limited area, is it your contention or your belief that if this unconstitutional, this voting mechanism, that this is so remote, so uninvolved from the rest of the bill that you can throw this out and it