

project, so we went to some of the commissioners and tried to lobby them, if you will, a little bit to see our point of view. In researching the statutes a little bit we found out, lo and behold, it takes a unanimous vote of the commissioners to overrule the decision of the Director of the Natural Resources Commission. When you stop and think about the reality of that, a unanimous vote, it is almost impossible. Furthermore, we were told the legal opinion was that if one of the commissioners was not able to make the meeting to vote on the override, if they for example had car trouble at Valparaiso, that was the same as a no vote. So I think if you would parlay that over into our proceedings here that, if it took 49 votes to do anything, we probably wouldn't do much because an absent senator would be the same as a no vote. We just didn't feel that was realistic. We thought it was a quirk in the law, and this bill would simply change that to a majority vote. A majority vote would be able to overrule the decision of the Director of the Natural Resources Commission rather than unanimous, because I don't think that... I think that flies in the face of reality to expect that you would ever have a unanimous vote, especially when an absent vote was counted as no. If there are any questions, I'd be glad to answer them, but it is fairly simple, straightforward. Again, it came out as an outgrowth of a project that we had in Platte County last year where the director ruled against it, and we determined that it would take a unanimous vote to overturn his ruling.

MR. PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, maybe, Senator Rupp, a couple of questions maybe first. Is the instance that you have cited, is that the only situation where this has occurred in the years that this has been in the statute? It's been a long time.

SENATOR RUPP: I have no idea, Senator Warner, if it's occurred in other instances. This is the one that brought it to our attention, of course, and we thought that was an unreasonable standard. I suspect it may have occurred somewhere, but I'm not aware of it.

SENATOR WARNER: It was my impression, and I have legislation to do some changes in the Natural Resources Commission, but it was my understanding that the kind of recommendation that was involved here, on the part of the