

April 20, 1989

LB 710

me like that the obligation we have is to override this motion to postpone and keep the bill a viable bill. I sincerely hope that you will vote no on the motion to indefinitely postpone. Thank you.

PRESIDENT: Thank you. Senator Lamb, please, followed by Senator Scofield.

SENATOR LAMB: Thank you, Mr. President and members, I rise to oppose the kill motion and as has been stated, this bill has its roots back in LB 146 which was passed a couple years ago which did provide for a study but it, in the opinion of some people, that study was slanted toward directions or methods by which water could be sold and, frankly, this study would be directed toward a study which would be pointed toward the theory that water should not be leaving the state, water should not be transferred out of the state and under the Sporehase decision, how that can be done without getting into trouble with the United States Constitution. So I believe this small amount of money is justified for this study which would be somewhat of a counterbalance to the previous study. So I would oppose the kill motion.

PRESIDENT: Thank you. Senator Scofield, please, followed by Senator Schmit and Senator Schellpeper. Senator Scofield.

SENATOR SCOFIELD: Thank you, Mr. President. I want to just reiterate the point here and I think Senator Owen Elmer's question is relevant here about can anybody really predict what's going to happen in the next lawsuit that is out there and the fact of the matter is, is I think there are a number of them contemplated and that's why this study is so crucial, that we are, in fact, prepared fully with enough information as legislators to make good policy choices. It concerns me when I hear the kind of rhetoric that I just heard here a little while ago about let's get on with the business of selling water. I suspect that may be what people might have been thinking when we get into this low-level radioactive waste mess, let's just get on with it, we don't have any choices. I think we do have some choices. The legal expertise that I have consulted tell me that we do, in fact, have choices in this matter and while we cannot ignore the Sporehase case and we cannot say absolutely that we can't transfer water, and that's an important message for people to understand. Nevertheless, the way we craft the legislation that eventually determines Nebraska policy is difficult work and