

actively and voluntarily involved in the siting process, and to the extent possible consistent with the highest level of protection for the health and safety of the citizens of the state and protection of the environment, the developer shall make every effort to locate the facility where community support is evident. And in the Attorney General's Opinion where he talks about community support and talks about communities inviting the facility to come in and Boyd County Board of Supervisors invited US Ecology to come in. The Attorney General writes that the Boyd County Board of Supervisors and the communities of Butte and Lynch approximately eight days prior to selection of a preferred site, the Boyd County Board of Supervisors withdrew their invitation to US Ecology. So it seems to me if we look at the history, this Legislature attempted to define community consent and, indeed, Senator Schellpeper in his original bill defined community consent and it was pretty clear and this Legislature, for whatever reason, decided they didn't want it to be very clear and that's why we find ourselves now in 1991 trying to determine what community consent is. But I think if you look at the history it's there and I think we've ratcheted that down a little bit and said now that it's the county. Originally it was the county and any counties within 20 miles of the facility. I think there is sufficient history to determine what a community consent was. The bill originally said it required a vote of the people. I don't think it's very confusing. I think a commitment was made. We have countless statements from elected officials and officials of the companies and those involved that community consent would be given. We have a 1988 bill with a history that says what community consent was. The bill was voted out of committee. I think there is sufficient evidence that community consent is a vote of the people in the county affected, and I think that's what we ought to be moving on and I think that is true in Boyd County or Douglas County or Lancaster County or any other county in the State of Nebraska and, therefore, I reluctantly would oppose my colleague's amendment and encourage us to not support the Beutler amendment.

SPEAKER BAACK: Thank you, Senator Horgan. Senator Beutler. Senator Morrissey.

SENATOR MORRISSEY: Thank you, Mr. Speaker, members, again, the focus is back on Senator Beutler's amendment. It would say that we would do Boyd County and after that then we would proceed to site the facility without a vote of community consent. That is