

by Senator Elmer. Senator, I have your AM1712 in front of me.

PRESIDENT MOUL: Senator Elmer.

SENATOR ELMER: Thank you, Madam President. During the time since LB 748 was first debated on General File, considerable effort has been made by a number of people. Wednesday afternoon or Thursday morning Governor Nelson sent to all of us a letter regarding 748 in which he says the federal regulations in 10CFR61 which require either the state or federal government to take title to the land do not have any authority from federal statute, neither the Atomic Energy Act or the low-level radioactive waste disposal policy amendments, neither include any provisions requiring public ownership of the land. As a result, the regulations are inconsistent with federal statutes and, therefore, unenforceable and should be deleted from the current Nebraska statutes. And he cites an example in Utah where this has taken place. I think that, from several points of view, that the Governor is correct in that if the state takes title to that land then during the time of operation there is some liability that could evolve upon the state. Secondly, since these statutes and regulations do seem to be inconsistent, I would agree that we make an arrangement whereby the state does not take title to the land in Boyd County. The amendment I have offered here does exactly that and deletes any reference to the state owning the site in Boyd County. And I think that this will solve almost all of the liability problems that people have perceived with the state ownership and at the same time allow the process to go ahead in its natural order. And I would ask your adoption of this amendment as the Governor has requested.

PRESIDENT MOUL: Thank you, Senator Elmer. Now, Mr. Clerk, is there an amendment on the desk?

CLERK: Madam President, Senator Morrissey would move to amend Senator Elmer's amendment.

PRESIDENT MOUL: Senator Morrissey.

SENATOR MORRISSEY: Thank you, Madam President, and members, if you're on Journal page 2038 and looking at Senator Elmer's amendment, you go to the actually Journal page 2040, 2040, my amendment would strike beginning in line 3, starting with "all" it would strike everything through line 5, ending with "that". So it would strike this language that we have said we don't