

January 27, 1992

SPEAKER BAACK: Time. Senator Morrissey.

SENATOR MORRISSEY: ...be able to break the law.

SENATOR MORRISSEY: Thank you, Mr. Speaker and members, I don't want to drag this on, but I've got to finish the story. Mr. Sommer's conflict of interest as perceived by some of the members was that he had a lawsuit or was a participant in a lawsuit, I don't believe he is anymore, against a corporation that was breaking Nebraska laws and I think if you followed the story you understand quite clearly that they were breaking Nebraska laws and they have reshuffled their board of directors and reshuffled their structure in such a way that now they can get by the law, not necessarily that they are complying with the spirit of the law, but now they can get by the law. So this was Mr. Sommer's conflict and as he stated, he was concerned with that industry that they would not assume or be responsible for the liabilities that could be incurred for their mining operations. It was also that group that discovered the leaking holding ponds of that operation, wasn't the Department of Environmental Control, wasn't Ferrett themselves, it was the Western Nebraska Resources Council. They are the ones that discovered the holding pond was leaking. So the gentleman's conflict of interest is, he was concerned that the wholly owned foreign corporation shouldn't be able to do business in Nebraska without complying with state laws. His conflict of interest was that they had investigated and found that they had a holding pond leaking and reported it and got it fixed in a timely manner, possibly saving huge clean-up costs and those huge clean-up costs were part of his concern. He didn't know if Ferrett would take care of it or if the citizens of the State of Nebraska would be stuck with it. So indeed we have some conflicts of interest on this gentleman's part. But the conflicts, as I pointed out earlier, are not between his betterment, his paycheck, his corporate's bottom line, his corporation's bottom line, his conflict are, as he stated them, concerns for the liability of the citizens of the State of Nebraska, a question we should all be very aware of if you watched any TV over the weekend and especially Sunday morning and upholding the state laws of Nebraska. There are very clear conflicts, very clear on this Environmental Control Council the way they are set up, potential conflicts. It needs to be addressed, it needs to be studied and I didn't bring my bill back this year because we honestly didn't have the time, but I