

January 19, 1996 LB 750

SENATOR WEHRBEIN: Senator Landis, do you want to continue at this time? I'd give you my time if I could have some time later for a question, is all I had.

PRESIDENT ROBAK: Senator Landis.

SENATOR LANDIS: Thank you. I appreciate that and that's a very gracious thing because I was right in the middle of wanting to say something that's important. Understand now that you have a standard that does not require proof of carelessness. In that sense, it is rather like strict liability, it does not recite the term strict liability. The standard is not the traditional tort strict liability standard, it is this standard. Released nuclear radiation of a sufficient dosage that it meets the Price-Anderson minimums, that has the...that being the approximate cause to injury, proving the amount of injury proves the amount of money that you are to recover. What about defenses? Let me just say that there are a number of defenses at, at law for different kinds of liabilities. You have assumption of risk, contributory negligence, et cetera, et cetera, et cetera. This amendment is silent on the subject of defenses. Appropriate defenses are derivable from state and federal law. I would expect a court to rule on what defenses can or cannot be used in such a case. What we will be doing in this situation is to create the standard of care necessary for recovery for a nuclear incident. Is there anything else to say? Well, take a look at the amendment, you'll see that Section 1 is the statement of the act, Section 2...that is the name. The Section 2 is a policy statement, that's both subsection (1) and (2). The intent of the Legislature is outlined in that Section 2. And then starting at Section 3 on the page 1 it begins definitions and those definitions include High-Level Nuclear Waste Liability Act, high-level radioactive waste, nuclear incident, off-site, person, radiation dose limits, release or released. And those are all the terms which are defined in the act. Section 4 is the standard. Section 5 is the list of people to whom the standard is applied, and that is "Any person who produced, stored, arranged for off-site transportation of, or transported off-site high-level radioactive waste released in this state in a nuclear incident above the radiation dose limits may be held liable in an action brought under the federal act." Mr. Clerk, you should have before you two amendments. The first to have been filed would