

January 19, 1996 LB 750

radioactive waste access to that 9 billion dollar insurance pool without having to prove that somebody was careless for why they are now suffering this harm, that they wouldn't have to prove that somebody was careless to get access to the 9 billion dollar insurance fund. They would have to prove that there was an exposure of a radiation dose, that that dose is what caused them this injury, and then they would show how much injury they had. With that, they would be able to go after the insurance fund, which is not a federal pot of money and, therefore, isn't a federal compliance kind of a standard, but is a federally required insurance fund, which you have to be able to make a sufficiently legal case to then get recovery from.

SENATOR WEHRBEIN: Thank you. That clarifies, I wasn't clear on that, and probably because I hadn't remembered it from last spring. Thank you.

PRESIDENT ROBAK: Thank you, Senator. Is there any further discussion? Senator Landis.

SENATOR LANDIS: Thank you. Am I now closing on the offered amendment, Madam President?

PRESIDENT ROBAK: Yes, Senator, you are.

SENATOR LANDIS: Fine, thank you. The amendment, let me just tell you, replaces all of 750. So what that means is, you took care of the statute of repose last year, you pulled it out of the committee amendments last year. There is no statute of repose, and it's not in this language. So if that, Carol Hudkins, I think, was asking me about that for a moment and so if there's that furrow on your brow, don't worry, you took care of it last year. Secondly, this is language that the utilities tell me that they will accept and not oppose. Third, I would accept the characterization of Senator Preister that this is a weakening of 750, it is. It moves from the strict liability standard to something else. However, that standard is, I think, appropriate and it does improve the situation. I think it makes it clearer and sets a state standard that would be used and I think that's a, that's to the good. I have spoken just a little too glibly here. Let me tell you that in legal terms I think the dose radiation limits, the approximate cause, and the damage create a prima facie case. That means to say you should recover unless there is some other defense. And we're silent on the