

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
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SENATOR MATZKE: Thank you for calling the house to order. I have offered an amendment to this bill which is printed on page 1679 of the Journal. And I will read it. This relates to the litigation that has resulted because of the attempt to withdraw from the low-level radioactivity...active waste compact. As you may or may not know, there is a federal lawsuit arising from this, and there's not enough time to go into all of the details. The federal court has issued a preliminary injunction; it's 38 pages long. I think most of you have copies, and I know a number of you have read the court's preliminary injunction. It affects and stops the state from using certain funds to defend this litigation, and as a result of that, this year, our mainline budget includes an item of \$5.7 million just for the defense of this case for the first year. That's in the mainline budget. It was referred to in our budgetary discussions a couple of days ago. Now, what does this amendment do? The amendment, which is AM1424, is one paragraph long. I'm going to read it. It says, "All expenses of litigation incurred by the state of Nebraska resulting from the defense of any legal action commenced by any state in any state or federal court against the state by a political subdivision of the state shall be surcharged as an excise tax on the political subdivision on an annual basis." In other words, it provides a mechanism for paying for the cost of this litigation, which is initially estimated at \$5.7 million. I think this raises some serious questions, questions that affect this body, affect appropriations, and may affect future liability. And what I've done is I've sat down and I have penned out ten questions that I believe it raises, and I'm going to address those ten questions to you so that you can start thinking about this matter. First of all, my first question is, why should this Legislature be required to budget \$5.7 million in taxpayers' dollars to defend a lawsuit brought against our state by one of its own political subdivisions? Secondly, what rational reason is there for us to squander \$5.7 million in this year alone on this litigation, when our state has so many other pending needs? Thirdly, if the state is required to spend \$5.7 million to defend this case, how much is also being spent on the other side, by OPPD as one of the plaintiffs, and actually is being paid by ratepayers in this state? Fourthly, what is going to be achieved by this? What's going to be accomplished? What's the real purpose of this