

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 29, 1999 LB 530

like sharing responsibility and duties. And I just wanted to make the observation that our OPPD board are elected by the people. We can talk about them being our children. But I believe they have a fiduciary responsibility to the constituency and to the voters that elected them. The fiduciary responsibility has an element of you are forced to do the right thing. It is your duty to do what is in your client or constituent's best interest. If it is in the best interest of their constituency, which were the citizens that comprise OPPD, to file this suit, then they had a duty to do that. I would not ascribe any diabolical or any animosity concerning their attack on the state being one of our lawless children, but rather a responsible board of directors doing the duty as they see it to the constituency, which they represent. They may be a child, if you want to use the analogy that they're a creation of the powers of the state, and that may even be true. But they are mature children who have a responsibility to their own family, which is their voters and their constituents. And it concerns me when we ascribe anything beyond that board of directors doing what they see as their duty, their fiduciary responsibility to their constituency. So I would not support the Matzke amendment. And I would yield the balance of my time to Senator Preister, should he want it.

PRESIDENT MAURSTAD: Senator Preister.

SENATOR PREISTER: Thank you, Senator Hilgert. Again, I want to just underscore the ending comment that I made earlier about the closure as the site in Boyd County is being shut down, and as a part of that to reduce all costs US Ecology is reducing and shutting everything down. A part of that is closing the monitoring wells that were dug on the site to monitor the ground water. And in their own statement, and I think it bears repeating, on page 1 of US Ecology's ramp-down plan, in their own words they state, "All wells at the site will be properly plugged, abandoned, with the exception of wells DAO22 and 23, which are submerged in Wetland Water One. Proper closure of these wells will be deferred until they are no longer under water." Now, if this is a good site, if it's a licensable site as they claim, then why are the monitoring wells still under water as the monitoring commission has said repeatedly? They held canoe races on the site. If that's negotiating in bad