

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

April 29, 1999 LB 530

CLERK: Mr. President, Senator Chambers would move to bracket LB 530.

PRESIDENT MAURSTAD: Senator Chambers, you're recognized on your motion to bracket LB 530.

SENATOR CHAMBERS: Mr. President, members of the Legislature, three words would summarize how the Legislature should proceed--cautiously, cautiously, cautiously. I hear Senator Beutler talking about Nebraska proceeding in good faith. The reason I don't have to lay out all of the arguments in opposition to that, for the record, is because...I meant Judge Kopf's written opinion contains all of that information. While Senator Matzke is upset that OPPD is joining a suit which is designed to protect its ratepayers, Nebraska was taking money that they were extorting from these generators and using it, not for the purpose required under the law, but to pay the salary of people who were resisting and fighting against the siting of this facility. That's how much good faith Nebraska had. The thing started with Governor Orr. She had made the comment, as Judge Kopf pointed out, that despite the fact of not liking this project, she said, "Although Nebraska's commissioner voted against locating the facility in Nebraska, the state of Nebraska recognizes its responsibility as a member of the compact and accepts such designation as host state." By the way, I didn't vote for that law, that bill that put this whole thing on the law books in Nebraska. I wasn't comfortable with it, so I just didn't vote, but I was present. It was a conscious choice not to vote. There were a number of activities that show bad faith. But there is one thing that is very interesting to me when people are talking about this wetlands territory. US Ecology eliminated some tracts of land. But I want to read from Judge Kopf's opinion on page 11. The director had been concerned about siting US Ecology's low-level radioactive waste disposal site in an area where wetlands and flood plains exist, because he was concerned that such an action would violate the site suitability requirements of Nebraska's regulations for the disposal of low-level radioactive waste. Counsel, and when they say counsel...when he says counsel here, it's the Washington, D.C. law firm hired to give this advise. Nebraska hired this counsel. Counsel advised Nebraska that "Based on an