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April 29, 1999 LB 530

injunction is no substitute for a trial. There is nothing that necessarily indicates by any means that on a trial of the facts Nebraska would be held in bad faith. I think you have to distinguish opposition to a compact from bad faith.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Time.

SENATOR BEUTLER: A governor can be opposed to a way of handling matters but not be acting necessarily in bad faith.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, it doesn't matter how we argue on the floor in terms of how this litigation is going to turn out. I am raising the issue so that my colleagues will be warned. I want to read from page 12 of Judge Kopf's decision. Talking about a slowdown; in March, 1995, the Department of Environmental Quality directed HDR, the state's primary contractor hired to provide professional services for the technical review process, they were ordered to reduce by 25 percent all billings and thus work for license review activities including those of HDR subcontractors. The department claimed there was insufficient cash flow to pay for the license review activities. Now is the part that I was talking about in the terms of diverting of some of this money. The slowdown was directed by the department when the commission refused to advance to the department federally provided rebate funds without a proper accounting from the department as to the use of those funds. As discussed later, the Nelson administration used a part of the rebate funds to pay the salaries of Nelson's staffers who worked against the license application. The rebate funds were provided to the commission under federal statute by the United States Department of Energy for disposal surcharges collected from generators of waste, including the plaintiff generators. This money was diverted and no matter what Senator Beutler and others who want the state to win will say, the facts that were disclosed in this 13-hour evidentiary hearing made a strong showing of bad faith, even in that limited context. So when a full-blown trial comes into