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FLOOR DEBATE

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LB 165

SENATOR BEUTLER: Mr. Speaker, I'd withdraw that amendment?

SPEAKER BROMM: Are there any objections? It is withdrawn. Senator Beutler, AM1068. (Legislative Journal page 1141.)

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, this is an amendment that we've been working on with the power companies and the power association and I think Senator Schrock's office has been involved and, as I understand it, everybody is in agreement on the amendment and let me tell you what it would do. Basically, there are three ideas in the amendment. The first one would require that in entering into a contract with some other entity, if NPPD should do this with respect to a nuclear power plant...I should have backed up a little more, I suppose. This is the bill that would allow NPPD to enter into a contract with some other entity for purposes of managing the power plant down in Senator Vrtiska's district. So the first thing the amendment does is to retain the concept of...the idea, it extends the idea of public power in the sense that if they're going to engage somebody else in managing this power plant that it would be done on an at-cost basis. In other words, it's following through on their representation that this is not going to be turned over to somebody who will be a for-profit organization or, if they are a for-profit organization, at least they will contract with us to operate it at cost. The second thing that it does is to indicate that they will not authorize indemnification from NPPD to this managing company for any direct damages that come from misconduct of such entity that's engaged in the management of the plant. And misconduct is a concept that is legal in nature. It has a legal history and pedigree. And, basically, it's intended to indicate unlawful behavior that's willful in character, that's improper or wrong behavior, but it's not negligence or carelessness. It tends to indicate an intentional act, and that's the distinction I think that's mainly intended here, is that they will not be indemnifying people for intentional acts that are unlawful or improper or wrong in behavior as opposed to negligence. And the third thing that the amendment does is to indicate that the Political Subdivisions Tort Claims Act, which in a number of different ways limits the liability of political subdivisions, including power districts, that the provisions and the