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FLOOR DEBATE

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LB 1249

Circuit Judge Joseph Dandurand also told the company to cease plant operation immediately and post a \$20 million bond. It appears that Aquila began operating the South Harper plant in June, saying a state-issued certificate of need meant it didn't need to receive zoning approvals from county officials. The judge admonished Aquila officials for what he called their arrogance and disregard for the law. I have stacks of similar articles. I'm not going to read them until we disintegrate into that type of discussion, because I'm...frankly, I think maybe both companies could have some mud on them. I don't know. But again, I have stacks of articles that indicate that Aquila is a bad actor, and I don't intend to read those, unless the whole discussion and debate disintegrates into that, and I will do it then. I do want to talk again about the Attorney General's Opinion I requested from the Attorney General--have yet to receive it--and the reason I haven't received it, is my understanding, the issues are so complicated it's taking time to fashion the response. And in part, what I've asked about is the restrictions found in our constitution, Article I, Sections 3, 16, 21, and Article III, Section 16 of the Constitution of the state of Nebraska, as they relate to this bill. And I asked this: The relevant portions of Article III, Section 18 are "the Legislature shall not pass local or special laws in any of the following cases, granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever." Then I went on to talk about how many states have similar constitutional provisions to Nebraska's, but oftentimes there is an exception in other entities' constitutions. So what I'm saying is, I think there are a whole host of constitutional issues. I have not asked Aquila or Kinder Morgan or any of those folks about it, because I echo Senator Hudkins' comments, in that it's just...you get told some things and not others, and I'm not saying they're doing anything wrong. It's just...I think it's time for us to make our own decisions. But it seems to me that when we are giving exclusive territories...and Senator Landis' comments when he talked about the two reasons, he said put territories on the utilities so there's no duplicate pipes, it seems to me that if we are giving a territory--and this is just the logic according to Pat Bourne; it could be totally erroneous--but if we're giving an exclusive territory to an entity, we're saying that the territory that you