

January 18, 1990

LB 37, 50, 159, 259A, 409, 422, 465
503, 503A, 543, 662, 742, 953, 1220-1242
LR 8, 244, 245

not, the question is the advancement of the A bill. All those in favor vote aye...say aye. Opposed nay. It is advanced. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Mr. President, I do. Mr. President, your Committee on Retirement Systems, whose Chairperson is Senator Haberman, to whom was referred LB 953, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Haberman. (See page 397 of the Journal.)

Mr. President, I have a series of hearing notices from Judiciary Committee, Appropriations Committee, Health and Human Services and Revenue, all signed by the respective chairs.

Mr. President, Senator Kristensen has amendments to LB 159 to be printed. Enrollment and Review respectfully reports they have carefully examined and reviewed LB 37 and recommend that same be placed on Select File; LB 742, LB 662, LR 8CA, LB 50, LB 543, LB 422, LB 409, LB 503, LB 503A, and LB 465 all to Select File, some of which have Enrollment and Review amendments attached. (See pages 398-408 of the Legislative Journal.)

Mr. President, new bills. First of all, Mr. President, two constitutional amendments, LR 244, offered by Senator Schmit. And LR 245 offered by Senator Hefner. (Read brief summary of resolutions. See pages 408-11 of the Journal.)

Mr. President, new bills. (Read LBs 1220-1242 by title for the first time. See pages 411-17 of the Legislative Journal.)

Mr. President, reminder, Reference Committee will meet at three-thirty today in Room 2102, Reference Committee at three-thirty in 2102. A final reminder, Mr. President. Chairmen's meeting tomorrow morning at nine...I'm sorry, at eight-fifteen in Room 2102, Chairmen's meeting, eight-fifteen, in 2102. That's called by the Speaker. That is all that I have, Mr. President.

PRESIDENT: I understand that we have 434 new bills introduced this year. This is the last day, of course. So you might be interested in that. Senator Baack, you're close to your microphone, would you like to adjourn us until nine o'clock tomorrow morning, please.

January 19, 1990

LB 272A, 1117, 1135, 1172-1242
LR 242-245

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We are happy to have with us this morning as our Chaplain of the day, Mr. Gerry Harris, who is the Executive Secretary of the Gideons, and lives in Lincoln. Would you please rise for the invocation.

MR. GERRY HARRIS: (Prayer offered.)

PRESIDENT: Thank you, Mr. Harris. We appreciate your coming and giving us the benediction, not the benediction, the invocation this morning. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Do you have any messages, reports, or announcements?

CLERK: Mr. President, I have a Reference Report referring LBs 1172-1242, and LRs 242-245, signed by Senator Labedz, as Chair of the Reference Committee. Senator Coordsen gives notice of hearing for the Business and Labor Committee for February 5 and January 29. (Re: LB 1135, LB 1117.)

I have a report of registered lobbyists for the week of January 18, and, Mr. President, an Attorney General's Opinion addressed to Senator Landis regarding LB 272A. (See pages 421-24 of the Legislative Journal.) That is all that I have, Mr. President,

PRESIDENT: We will move on, Senator Lamb, are you in position to handle that confirmation report. Okay.

SENATOR LAMB: Mr. President, and members, I would offer to the body the confirmation report for Mr. Myers.

CLERK: Senator, yeah, Lawrence Myers, the Nebraska Power Review Board.

SENATOR LAMB: Yes, Mr. Myers appeared before the Natural Resources Committee about two days ago and he is a reappointment. He was appointed, I believe, late last year and there was no opposition to his reappointment, and the committee voted unanimously to recommend that Mr. Myers be appointed to

February 14, 1990 LB 42, 159, 313, 642, 851, 856, 857
874, 893, 901A, 957, 960, 964-966, 984
997, 1044, 1064, 1080, 1090, 1161, 1184
1193, 1232
LR 11

SPEAKER BARRETT: Thank you. Mr. Clerk, you have a motion?

CLERK: Mr. President, I have a priority motion by Senator Langford, that's to adjourn the body until February 15, 1990. I assume that's nine o'clock, Senator. I do have some items.

SPEAKER BARRETT: Anything for the record, Mr. Clerk?

CLERK: Yes, I do, Mr. President. I have amendments to be printed to LB 42 by Senator Baack. (See pages 793-94 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 1064 to Select File with Enrollment and Review amendments. LB 851, LB 856, LB 857, LB 874, LB 893, LB 957, LB 964, LB 966, LB 984, and LB 997 are all reported correctly engrossed. Those are signed by Senator Lindsay as E & R Chair. Banking Committee reports LB 1161 to General File with amendments, and LB 1193 as indefinitely postponed, those signed by Senator Landis as Chair of the Banking Committee. (See pages 794-96 of the Legislative Journal.)

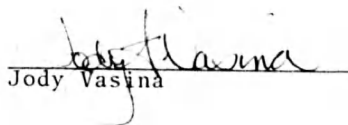
I have a new A bill, Mr. President. (Read LB 901A by title for the first time. See page 796 of the Legislative Journal.)

Mr. President, I have a confirmation report from the Health and Human Services Committee, that is signed by Senator Wesely as Chair. I have a series of priority bill designations. Senator Schellpeper selects LB 1080; Senator Crosby, LB 965; Senator Scofield, LB 1184; Senator Richard Peterson, LR 11CA; and Senator Withem, Education Committee priorities are LB 960 and LB 1090.

Mr. President, Senator Abboud would like to add his name to LB 1044, Senator Crosby and Chambers to LB 642, Senator Elmer and Peterson to LB 159 and AM2372, and Senator Morrissey to LB 1232. I believe that's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The motion before the house is one to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Ayes have it, carried, we are adjourned. (Gavel.)

Proofed by:


Jody Vasina

PRESIDENT: One minute.

SENATOR SMITH: ...and we need to address that here, as well. There are some things that we have pending in the committee that are not coming out, and, in fact, he mentions that, that some of that could be a part of the draft that we need to use. I think that maybe we had that opportunity on the floor, we need to address it. We want to do the best we can for the State of Nebraska. I think that I'm going to support this confirmation, but I'm going to be on the side of those that say, but let's make sure we get the safest and the best site we get, and I'm going to be on your side in that. So, with that, I ask the remainder of the body's support in this confirmation. Let's all go forward together and do the best job we can for our state in the future. Thank you.

PRESIDENT: Thank you. Senator Scofield, please, followed by Senator Wehrbein.

SENATOR SCOFIELD: Thank you, Mr. President and members. Senator Smith's comments lead very much, I think, into a direction I'm going to go. I had something to do, I think, with the original choice of Dr. Thorson. I agreed with a lot of the points you made here today in terms of academic qualifications, he has them. In terms of legal qualifications, he has them. He is a renowned expert on compact law. Perhaps he has less skill in the area of group process and communicating some of those issues, but I think the point has been made earlier that I don't know if there is a single human being out there that could successfully perform this job, given the complexity of it. But I feel a need to stand up and speak about this because I have a continuing frustration with the process and with some of the things that need to be addressed. And I really feel, in a way, that Dr. Thorson isn't the issue here, the issue is the process, and the issue is the number of players involved. Not only are we involved as the Legislature, the Governor is involved, the affected communities are involved, other states are involved, the compact is involved, it is endlessly complex. There is probably nothing else that we deal with that is any more complex than this. And yet I have a frustration with the fact that we have not, in my opinion, aggressively pursued the issues of shared liability. Senator Morrissey mentioned my bill, LB 1232, doesn't have a priority, probably isn't going anywhere unless it's amended into another bill this year. I've been given

March 5, 1990

LB 1232, 1238

it. To bring that as a confirmation to our whole body, I think, is not right, and I just can't support it. I'll give the rest of my time to Senator Smith.

SENATOR SMITH: Thank you, Senator.

PRESIDENT: Senator Smith.

SENATOR SMITH: Thank you. I think that what we need to do...one of the points that I wanted to bring up, we talked, a little bit earlier today, about...in fact, that was one of the responses that he gave, and I think I alluded to that earlier this morning. When he says that, yes, he does see that there is still some concern about the shared liability issue, and he goes on to talk about how he has drafted a memo, and that he would like to see all the Legislatures in the compact act on this issue so that we do make sure we have a shared liability. Then he goes on to the very bottom sentence and states, as I have stated previously, the language in Section 3 of LB 1232, as amended by AM2566, contains language that I believe would serve well as Nebraska's draft proposal. And I think that that's something that we might want to make sure, as a Legislature, we do, that we do get a piece of legislation out here, whether it's LB 1238, which is the priority bill we're talking about, with its amendments, and add some other kinds of amendments in there that place some kinds of requirements, that as our compact's commissioner, Dr. Thorson, then knows that he is to aggressively pursue and receive the assurances that we, as a state, need in the role that we're going to play as the host site. That is one of the things I think it's our job to do for him. I would also, quickly in the time that I have, just read the questions that we have asked him, that we do have a response to. Number one, would Nebraska have any control over additional waste from other states being brought into Nebraska to be disposed of at the site? He answered that. Number two, does Nebraska have guaranteed shared liability on an equitable and fair basis with other compact states? Could the compact states limit their liability to say one dollar and no more? Do you have any suggestions on this liability issue? He responds to that. I think we all need to have copies of this dispersed among the members of the body.

PRESIDENT: One minute.

SENATOR SMITH: Three, what is your interpretation of your role

Here we are in 1990, and we've got a memo. The charge of the man or the person, excuse me, leading this state into this issue has been fairly clear to me for the last year, protect the interests of the citizens of the State of Nebraska; make sure the liability questions are answered; make sure the questions of liability in the contract are clear, crystal clear, no question that the liability is there. And Dr. Thorson, as a lawyer, has guaranteed us that that is there, over and over. Until last...this October, Judiciary hearing, he said, no, there is a problem, it might not be there, we need to address that. So we've known it for three years, we've known it since October for sure, when the Governor and Dr. Thorson admitted to the problem. And what have we done to move in that direction? A memo. A memo. LB 1232, that Dr. Thorson mentions, has been given lukewarm support by the administration and Dr. Thorson. Where is LB 1232? Residing in Natural Resources Committee, no priority, no Speaker priority, no committee priority, no priority. Dr. Thorson should have introduced legislation such as that, and he didn't, Senator Scofield had to. And now we're going to, hopefully, amend it somewhere on some bill. What are the priorities, what is the charge of the person in charge of us, our low-level siting process? To look out for the people of Nebraska, to listen to their concerns, to actually listen to their concerns, and then act on those concerns. Don't be more concerned that you will offend our sister states. Be more concerned that the questions aren't being answered, that it's been three long years and nothing has been done, that there are two Governor's races going on in two of these states that must address changing their language to ensure long-term liability. That could be a problem, folks. And the longer it takes to get this passed by the other Legislatures, and the longer...and by the federal Congress, the less or the weaker our bargaining position is. The process has gone on too long with no action towards these very, very important questions. It's the same answer over and over.

PRESIDENT: One minute.

SENATOR MORRISSEY: There are no concerns, nothing needs to be changed, nothing needs to be addressed. And the people that are getting the bad rap today, for giving misinformation, have been proven to be right in many, many instances. But still nothing has happened, nothing but a memo, and that's not the kind of person I would like representing the citizens of this state in this process. Thank you.