

February 27, 1991 LB 837

PRESIDENT MOUL: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Madam Chair, I was not intending to get involved in the debate this morning on this issue but there is a topic that has intrigued me as I've read through the committee amendments and listened to the discussion. Senator Johnson, I'd like to continue the discussion Senator Kristensen brought, has brought up because it's the same question I have and it refers to, if members of the body are following along, Section 1 on the committee amendment that basically was agreed to and I guess I'm assuming, number one, Senator Johnson, that the five states in our compact are officially in the compact and legally within the compact in regards to the federal law. I mean everyone is in compliance at this point so, number one, I guess my question is, if one of the other our states decides to exert some independence of their own, add a small little section to our what we say, maybe add something new that we haven't thought of or maybe there is something different that applies to their state that didn't apply here that they want to add or they want to take something out. Okay? Then what happens according to Section 1? I'm assuming what happens is that they didn't comply exactly with what we had and so we could refuse to we would then refuse to allow them to...I'd assume we would refuse then to license the facility. Is that what would happen?

SENATOR R. JOHNSON: Well, no, I don't believe, and I'll have to ask legal counsel, but just speaking off the top of my head, I don't think that would deny the licensing of the facility, it would deny that host, that state from being able to dispose of their low-level waste in our facility.

SENATOR BERNARD-STEVENS: Okay, so we would deny them access.

SENATOR R. JOHNSON: Right.

SENATOR BERNARD-STEVENS: But they, on the other hand, are a legal entity according to federal law to the compact.

SENATOR R. JOHNSON: That's correct.

SENATOR BERNARD-STEVENS: Would you then...does that imply that by state law we are preempting federal law?

SENATOR R. JOHNSON: Well, Senator, I think what we have done by