

March 3, 1982

LR 233
LB 626, 421, 881

a Call of the House. The motion is, shall the House go under Call? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 26 ayes, 1 nay, Mr. President, to go under Call.

PRESIDENT: Motion carried. The House again is under Call. The Sergeant at Arms will see that all members are returned to their desks, all unauthorized personnel leave the floor, and all members will register your presences. The House is under Call. At the time which all members are at their desks, we shall proceed with the roll call vote on the advance of LB 626. We still have two excused, same two? Senators Kremer and Nichol are excused. Senator Higgins, does that show you are not here or you are here? I am trying to decipher. Would all members please, so we can expedite the vote, would all members get to your desks so that we can...if the politicking hasn't been done now, why it is not going to make much difference. Senator Pirsch is the only one and then we will be ready to vote. Senator Pirsch is on her way, so as soon as Senator Pirsch arrives, we will proceed with the roll call vote. Okay, we are ready, Mr. Clerk, a roll call vote on the advance of LB 626. Proceed.

CLERK: (Roll call vote taken. See pages 940 and 941, Legislative Journal.)

PRESIDENT: The Clerk needs to verify the vote. Proceed, Mr. Clerk.

CLERK: (Verifying vote read.) 24 ayes, 25 ayes, excuse me, Mr. President, 19 nays on the motion to advance the bill.

PRESIDENT: The motion carries. LB 626 is advanced to E & R Initial. Do you want to read some matters in at this time? Senator Hefner, yes, motion to raise the Call. The Call is raised.

CLERK: Mr. President, I have explanation of vote from Senator Koch.

Senator DeCamp would move to reconsider the vote on Final Reading of LB 421. That will be laid over.

Your committee on Urban Affairs whose Chairman is Senator Landis reports LB 881 advanced to General File with committee amendments attached.

Mr. President, two new resolutions, LR 233 by Senator Schmit.

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LR 233, 238, 239
LB 705, 816, 893

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of the Carsten amendment.

SENATOR CLARK: The amendment is adopted. Anything further on the bill?

ASSISTANT CLERK: Nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 705.

SENATOR CLARK: The motion is to advance LB 705, but Senator Nichol wants to wait a while. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, there is an amendment that we passed out this morning. Didn't I give you a copy of it? And then also there is one other small amendment that should be put on and I can have that ready after lunch, so I would prefer to hold it until after lunch so that we don't take it over to Final Reading and have to bring it back.

SENATOR CLARK: We will hold it until after lunch. Senator Wesely, you had an announcement to make and then would you like to recess us until 1:30 after this. Wait, we have some things to read in first.

ASSISTANT CLERK: Mr. President, I do have a series of items to read in. Your committee on Ag and Environment whose Chairman is Senator Schmit reports 893 to General File with amendments. Your committee on Revenue whose Chairman is Senator Carsten reports LB 816 to General File with amendments. (See pages 984-986 of the Journal.)

New resolutions, LR 238 offered by Senator Koch. (Read LR 238 as found on pages 983 and 983 of the Legislative Journal.) That resolution will be laid over.

LR 239 also offered by Senator Koch. (Read LR 239 as found on page 983 of the Legislative Journal.)

Mr. President, your committee on Appropriations gives notice of Executive Session on Saturday, March 6th at 8:00 a.m.

Finally, Mr. President, I have an amendment from Senator Schmit to be printed in the Journal. That amendment is to LR 233. (See page 986 of the Journal.)

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CLERK: Mr. President, LR 233 offered by Senator Schmit. It is found on page 941 of the Journal. (Read.) Mr. President, Senator Schmit would move to amend the resolution. (Read the Schmit amendment as found on page 1036, Legislative Journal.)

PRESIDENT: All right, Senator Schmit, do you want to handle that amendment first of all, so speaking to the amendment to the Schmit...

SENATOR SCHMIT: Yes, Mr. President, I move the adoption of the amendment. The amendment adds the State of South Dakota or North Dakota to the one group of states that are involved that are called the Central Interstate Group in the disposal of low-level radioactive waste and I move that the state, the name be added to that group. They are a part of it. It was inadvertently left out originally.

PRESIDENT: The Chair recognizes Senator Newell. Do you wish to speak to the amendment to the resolution. All right. Any further discussion on the Schmit amendment to LR 233? Senator Schmit, will that be your conclusion then?

SENATOR SCHMIT: No closing.

PRESIDENT: All right, motion then is the adoption of the Schmit amendment to LR 233. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Schmit's amendment.

PRESIDENT: Motion carries. The Schmit amendment is adopted. Any further amendments, Mr. Clerk.

CLERK: Nothing further, Mr. President.

PRESIDENT: We are now on the resolution as amended. Senator Schmit.

SENATOR SCHMIT: (Mike off) describes what has been taking place in the last year since the Governor appointed Mr. Dan Drain as his representative to a group of states that were studying the possibility of developing interstate compact legislation for the disposal of low-level radioactive waste. The Legislature appointed myself as the legislative representative to that group. Mr. Drain and I after a series of conferences found that we agreed on virtually all aspects of the problem that exists today, and as a result of that, we made an agreement then when the meetings were held it was most likely because of the distance traveled that only one

of us would need to attend the various conferences. I did attend one of the conferences. Mr. Drain attended the rest of them and there is a possibility that compact legislation will be introduced by several groups. Mr. Drain and I feel very strongly that the group that we describe here with which we are aligned is the group that is most likely for us to be associated with because of the similarity of the generation of waste in the various capacities, the similarity of population, and the similarity in topography and geography of the land involved. I believe we need to recognize the generation of these wastes are a fact of life. They are generated by hospitals, by medical clinics, by many other low-level generators. They contribute greatly to the quality of life here in Nebraska so we must face the necessity of the disposal of these wastes and to dispose of them in a manner that is the least hazardous to the public. The state has a great deal to benefit from this type of compact legislation. I would hope that the Legislature would adopt this resolution and, thereby, give us the direction we need to further put together the type of legislation that would allow Nebraska to join these other states to provide a single repository for these wastes. It does not make much sense for each state to develop the kind of repository that is necessary for the safe disposal of these wastes when perhaps a number of states could join together, by so doing decrease the cost, and decrease the problems that are attenuating to the disposal of that waste. So I would move for the adoption of the resolution.

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Just a couple of questions, if I could, Senator Schmit. I guess we are being asked to give some direction, once again, what was the reason that the Legislature at this time is being called upon to give this direction?

SENATOR SCHMIT: The past year, Mr. Drain, representing the Governor, and myself, representing the Legislature, as the Chairman of the Committee on Agriculture and Environment, have been participating in discussions designed to attempt to produce legislation that could be effectively modeled after the kind of compact legislation the states would join in to jointly dispose of low-level radioactive waste. The hearings and meetings have been held over the past year and there is a very good possibility that we will want to join one of these groups. If we do not join a group of other states, then Nebraska will be faced with the necessity of providing for our own disposal system for low-level radioactive waste. Under the present system there are states that have shown an interest in becoming the repository for this type of material and there are some benefits and, of course, some responsibilities that are involved with being

the repository for the low-level waste. We do not know at this time which state or which of the several states might decide to be involved but it is my belief that we have everything to gain and nothing to lose by becoming a part of the Central Interstate Group which I have described here in the resolution.

SENATOR BEUTLER: I guess the question I am asking is what are the advantages of becoming a part of that group as opposed to the other and why does the Legislature have to pass a resolution as opposed to simply waiting for the proposed legislation?

SENATOR SCHMIT: Well, number one, I will answer the first question first. The advantages of the Central Interstate Group are these. The states as I have...let me name them for you, Chris, Senator Beutler, so that we have them. The states are Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Oklahoma, and North Dakota. Those states are for the most part similar in size and similar in the amount of waste which they generate. If you will look at the other states, Illinois, Maryland, Delaware, Indiana, some of those states generate much higher levels of waste than does Nebraska by virtue of the population, by virtue of the industrial nature of their generators. So if we were to join the Central Interstate group, we are joining a group which have similar interest, similar generators, similar type populations, et cetera. The second reason why we should pass the resolution is to give some sense of direction as to whether or not this Legislature feels we should join in compact legislation in order that we would be able to join the group. Otherwise it would be...it might be an exercise in futility and it may not really be justified for myself and Mr. Drain, either of us, to pursue further meetings if the Legislature does not signify an interest in some sort of compact legislation.

SENATOR BEUTLER: Let me just ask you one final question, Senator Schmit. By joining the Central Interstate Group, that is the one we would be joining, right?

SENATOR SCHMIT: That is right.

SENATOR BEUTLER: Is the likelihood of having those disposal facilities in the State of Nebraska any greater or not greater than if we joined the other group, in your opinion? Does joining one group or another, does that make any difference with regard to the likelihood of having those types of facilities located in Nebraska?

SENATOR SCHMIT: Very likely it would not make much difference,

Senator Beutler. I would think that Nebraska would probably not be the site or location for the disposal of those wastes but we certainly would not want to be, in my opinion, a repository for wastes that were generated in, for example, the State of Illinois because of the tremendous amount they would generate contrasted with the waste that we would generate.

PRESIDENT: One minute, Senator, on your time.

SENATOR SCHMIT: We would I do not believe probably be the repository if we joined the Central Interstates because there are states such as Kansas which have salt mines and other areas which lend themselves very well as a disposal site and, in fact, there are some people in Kansas who are interested in becoming repositories, not only Kansas, however, I might add, but the point is this, ignoring the fact does not cause those low-level wastes to go away. We are going to continue to generate them and they must be acknowledged and disposed of in some manner, and if we do not join a group, then we must provide some sort of despository here in the State of Nebraska at some time in the future.

SENATOR BEUTLER: Thank you, Senator Schmit. I just wanted to get a little better feel for what kind of policy decision we are making here today and it does appear to be something that has to be done or should be done and I certainly am supporting the resolution. Thank you.

PRESIDENT: Before we go to the next speaker, we have up here in the North balcony some 6 students from Senator Wesely's District, from Riley School. Mrs. Hintz is their teacher, up in the North balcony, would you wave to us. Welcome to your Unicameral. Welcome. The Chair recognizes Senator Vard Johnson.

SENATOR VARD JOHNSON: Mr. Speaker, members of the body, I have a few questions of Senator Schmit.

PRESIDENT: Senator Schmit, will you respond?

SENATOR SCHMIT: Yes, I will try.

SENATOR VARD JOHNSON: A couple of months ago, Senator Schmit, I met with some people from the League of Women Voters in Omaha who expressed interest in the nuclear waste compact and what they specifically said was that they had not been afforded any opportunity by Dan Drain to meet with him to discuss what was happening with the compact, to provide comments of their own concerning compact formation, to provide comments of their own concerning possible site locations

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for the low-level nuclear waste disposal areas and the like. Do you have any information as to what has happened in terms of public input to the decision making in this area?

SENATOR SCHMIT: There has been a group of people who have met with Mr. Drain and myself on a number of occasions. It is a very informal group and I am sure there are persons who are League representatives who are part of some of those groups. I have not been contacted myself directly by any member of the League even though I am listed as a representative and I am so designated. I have no objection whatsoever to receiving input from the League of Women Voters and I would certainly encourage them to contact me and I know that Mr. Drain would also encourage them to contact him.

SENATOR VARD JOHNSON: I assume, Senator Schmit, that once we pass this resolution and the State of Nebraska does enter into a compact with the Central states, that when it becomes necessary for us to actually develop legislation that deals with siting, as I assume it would have to be done legislatively, that during the course of the development of such legislation, there would be adequate opportunity for public input, either through the public hearing process in front of committees or informally through indirect contacts. Would that be correct?

SENATOR SCHMIT: Yes, Senator Johnson, in fact, the Department of Environmental Control plans to hold public meetings this summer clear across the state in order to give the public the opportunity to make comments relative to the type of legislation that we should draft.

SENATOR V. JOHNSON: Thank you very much.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: Senator Schmit, I also have some concerns and I would like to get your attention, if I could.

PRESIDENT: Senator Schmit.

SENATOR NEWELL: Let me ask very simply, the proposed resolution will have, and very succinctly, if you would, will have what sort of impact? Is this urging the Department to explore the compact? Is this ratifying activities that have gone on and ratifying the formation of this compact? Just what exactly is the legal status of this resolution?

SENATOR SCHMIT: The resolution will do two things, Senator Newell. Number one, it will provide direction to the Department of Environmental Control to organize the public

meetings which I have just described to Senator Johnson. Number two, it will give the credibility of the Legislature behind the efforts of myself and Mr. Drain to attend future meetings with the Central states group in order to draft compact legislation. Without the passage of this resolution, it would be perhaps unwise and certainly in my estimation ridiculous for us to attend future meetings.

SENATOR NEWELL: All right, how have we decided that the Central states group is the group that we are going to join? I mean, how did we arrive at that designation?

SENATOR SCHMIT: Senator Newell, myself and Mr. Drain have attended a number of these meetings. Some of them have been held in Oklahoma City primarily with the Central states group. The other meetings have been held in Chicago with the other group. It was obvious to Mr. Drain and myself that Nebraska interests were better served by joining with the Central Interstate Group and that is why I am asking for the adoption of this resolution.

SENATOR NEWELL: Senator Schmit, has your committee held public hearings in regard to this resolution and the groupings of states that basically we are proposing to join at this point in time?

SENATOR SCHMIT: My committee has not held hearings, Senator Newell.

SENATOR NEWELL: Senator Schmit, don't you think this would be a good thing to do is at this point in time have the public have input and come to fully understand just why we have made the decisions that we have that are proposed in this resolution? I mean it really isn't as preliminary as you have been suggesting, is it?

SENATOR SCHMIT: I believe it is very preliminary, Senator Newell. The hearings that the Department of Environmental Control will hold this summer will provide the public input. The Legislature's Ag and Environment Committee will also hold a hearing, at least one hearing and maybe more, to provide for input in that manner, and if it should be the decision as the result of these hearings that we should join some other group, then we are still in a position to do so.

SENATOR NEWELL: All right, then let me ask you this then, Senator Schmit, and let me explain my concern real quickly. This is a very important issue. I mean it is more important and I think has an impact potentially greater than I may even imagine but it is for that reason that I would urge this

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body to go slow. Would you accept an amendment to your resolution which indicates on number two that the State of Nebraska, and I can agree with number one, but number two, the State of Nebraska declares it will join the Central Interstate Group, how about the word "intends" or "it is the intention of the State of Nebraska to join". In other words, something a little less positive, a little less binding, if you will, more to indicate the intent and then also add a Section 3 which talks about the public hearings that will be...pending the public hearings that will go on this summer by the Department.

SENATOR SCHMIT: Well, Senator, I would not accept an amendment at this time and I will tell you why...

PRESIDENT: One minute, Senator Newell.

SENATOR SCHMIT: ...because of the fact that I believe it is important that we give some absolute direction so that the public knows what we intend to do, so that if the public decides that it is not in our interest to do that, it will then come out and let us know that that is what they want us to do (interruption).

SENATOR NEWELL: Thank you, Senator, that is enough. I want to take the few seconds I have left then to urge that this body not accept this amendment. If I can get mine drafted while somebody else speaks, I will offer the amendment that I had indicated which will be a little less certain. I think that it is important, in fact imperative, that the public have an opportunity to become further aware and fully understand the ramifications of this commitment. I think that at this point in time Senator Schmit is wrong by saying we are going to make this commitment and, then if the public is angry, we may change it. I think that is poor public policy. It is the wrong way to go. I would feel more comfortable, and I can appreciate Senator Schmit not wanting his committee to hold hearings at this point in time if the Department is going to do that later on but I think it is essential, imperative, if you will, that we provide a little more public input into something that can be as important as this compact and the negotiations that are involved. So with that in mind I urge, if I cannot offer my amendment, if I don't have time, I urge you to reject this resolution, and if I do have time, I urge you to support my amendment.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Well, Mr. President and members, I haven't mentioned it lately but some of the new members may not know it but I served for two years on the Environment Control

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Council before coming into the Legislature. At that time we were already talking about this very problem and here it is almost six years later and we are still talking about the problem and nothing has been done. It is a serious problem because this waste that we are talking about, I don't know where it is right now, but it is not being taken care of properly, and as we increase the use of it in our hospitals and in other sources, we must find a place to deposit this stuff when we are through with it that is the least obnoxious and the least dangerous to our society and I think that is exactly what they are trying to do with the compact and it is utterly ridiculous to think each state needs to have one of their own. How we are going to come out I don't know. I hope the other states don't all dump theirs in Nebraska but I support Senator Schmit's amendment. I think it is a step in the right direction and long overdue. Thank you.

PRESIDENT: Senator Schmit, will you close on your resolution?

SENATOR SCHMIT: I would just like to give Senator Newell a chance to offer his amendment if it is possible. I am not trying to preclude by means of...may I speak to my own resolution again while he is drafting his amendment, Mr. President? I would just like to say this, number one, that if you will read the first portion of the resolution it says that the Legislature urges the State of Nebraska to align themselves with a group of states for the proper management of low-level radioactive waste. Number two, the Department of Environmental Control has already held several public meetings. The public has had input already. We intend to have further input. Number three, this Legislature passes far too many innocuous resolutions without direction, without any sense of urgency. I agree with Senator Newell, this is an important resolution. I agree with Senator Kahle, it is an important resolution and it is not going to go away and we have been discussing it for a long while. If someone thinks that we are going to stop all the use of X-ray, whether it is medical people, dental people, et cetera, and all of the other generators of low-level waste by not adopting this resolution, then you are being foolish. To say that to do this as I have suggested is to tie us into one group of states is not factual either. We have plenty of opportunity to join other states. For Senator Newell to be concerned that we have not researched the matter is not valid because we have. I outlined the reasons why it was determined that it would be preferable for us to join the Central Interstate Group. I would hope that the Legislature after Senator Newell has offered his resolution will reject the resolution...the

amendment, will reject the Newell amendment and vote for the resolution as it was introduced, and the resolution was not drafted casually, it was not drafted flippantly. It was drafted intently and specifically and I hope that you will leave it that way. You will have the opportunity, of course, to take other action at some other time if you choose to do so but I believe it is important that we be specific in this type of resolution rather than to be vague.

PRESIDENT: Before we take up the Newell amendment, the Chair takes great pleasure in introducing to the Legislature three distinguished visitors from Tunisia. They are seated under the South balcony, and would the distinguished visitors stand up and be recognized please as I mention your name, first, Mr. Moussa, Foreign Policy Counselor to the Prime Minister and Political Counselor to the Prime Minister, Mr. Moussa; and then he is accompanied by his finance, Ms. Boughrara. Would you stand and be recognized, Ms. Boughrara. And then Ms. Raccagni, who is the U. S. Escort-Interpreter. Would you stand. Welcome to all of you to the only Unicameral Legislature in the United States. Mr. Clerk, amendment on the desk. Read the amendment.

CLERK: Mr. President, Senator Newell would move to amend LR 233: (Read Newell amendment found on page 1036, Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: I apologize for my hurried writing style but that is in fact the resolution. Basically I would like to amend in the "Therefore, be it resolved section..." under number two, it says, "The State of Nebraska declares its intent to join" instead of "will join", and then a new Section 3 which says that the Legislature urges the Department of Environmental Control to hold public hearings this summer. The essence of this issue, and I think it is very simple, is that because of the importance of this issue, and because of the importance that the public places on the whole question of nuclear waste, it is important that we hold these public hearings before we make a final decision and it is important that we indicate to the public that that decision has not already been made. I myself have not been privy to Senator Schmit's efforts. I have not been privy to Senator Kahle's efforts. I have not been privy to what the Department of Environmental Control has previously heretofore done, and not only have I not been privy, but I have not felt particularly satisfied in the floor debate that we have the kind of information that I think we as a Legislature and the public in general need

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to have on an issue as potentially important as this one. Now I think that it is important if in fact, as Senator Schmit has indicated, that we can change this if we should decide to later on that we make it clear at this point in time that we intend to do that, and I think it is also important that when we make the final decision, whether it be written in the statute or whether it be done by resolution again, that we have before us all the information on how that decision was made, the other compact opportunities that we may have made. I, personally, have no problem whatsoever with the compact. I think it is the right way to go. It is the obvious way to go. And I may not have any concerns at all about the Central states compact but I don't know enough at this point in time, and neither do many of my constituents who want, who are interested in this subject, know whether or not this is the correct way to go and all my resolution suggests is that we declare our intent and then hold public hearings, our intent to join the Central states compact, and then hold public hearings so that the public will have the opportunity to fully understand how that decision was made, whether or not it is in their best interest, whether or not it will in fact serve us well in the years to come. And it is with that in mind that I offer this amendment. It is with that in mind is why I urge this body to accept this amendment. I don't think we need to hurry so rapidly that the public will not be given full opportunity to provide what little input they may have or what great input they may have.

PRESIDENT: The Chair recognizes Senator Schmit, and then, Senator Goodrich, you will follow.

SENATOR SCHMIT: Mr. President and members of the Legislature, and Senator Newell, I just want to tell you that we are not exactly galloping along toward a decision in this area. It was in 1971 that I created the Department of Environmental Control by introduction of a bill which subsequently did do the things that we are trying to do here under this resolution. Number two, the Legislature does by the adoption of this resolution signify our intent to join a particular group. That decision was also not made clandestinely. It was made in public, it was made in the view of the public, and many groups have participated in the discussions that have led to that. The fact that maybe you did not is through no fault of your own. You are a very busy man and you cannot be expected to attend all of the hearings of the Ag and Environment Committee or those hearings that deal with low-level radioactive waste. That is why we have an assignment of responsibilities. That is why we ask for the responsibility to be designated and we ask for recommendations from groups.

All of us serve on various committees and all of us are requested and required and expected to come up with recommendations. For us to provide to you or to this body a vague resolution would result in these things. Number one, it will result in the resumption of attendance at a variety of meetings across the state from several groups. And we have tried that, we have attended those meetings. We have decided that it is best for us to attend the conference of the Central Interstate Group for the reasons I have given you. Now if you want to go back to the resumption of travel to the various states of all of the attended expense and publicity involved, fine, but you will serve no purpose, Senator Newell, except to increase the expense, increase the amount of time necessary to reach some kind of conclusion, and I want to tell you this, that if we are going to draft compact legislation, then it is important that we know with which group we are going to be working as soon as possible. If we begin another round of visits, you might say, with the various states, we are not going to be engaged in the annual drafting, in the actual drafting, and that is important. As you know, legislation, compact legislation must be approved word for word by all of the states. It is not an easy matter to get the type of consideration that results in that type of legislation. You say we should not hurry on this alone, perhaps you feel that by ignoring the problem, it will go away. This will not go away. The problem is here. It is going to continue to be with us. Now we can continue to ignore it. We can find ourselves on the outside and then we will be faced with the expense and the necessity of providing for our own or we can follow the procedure which was established some time ago for the adoption of a compact with the states which I have indicated. As a result of hearings held this summer, as a result of public input, the decision is made to go with some other group, that can still be done, but I want to say and say to the members of this body that the public is going to be far better advised if we pass a resolution that says we shall join a certain number of states than if we say we intend to join a group of states or we may join a group of states and we may not. I believe that this body has the responsibility to the public to let the public know what we intend to do, and if then they decide that what we intend to do is detrimental to the public interest, they can (interruption)...

PRESIDENT: One minute, Senator Schmit.

SENATOR SCHMIT: ...to us and oppose it and then we must not take action but to leave it up in the air is a disservice to the public. I have no intention of hiding behind that kind of language. I do not believe the Legislature of the State of

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Nebraska wants to hide behind that language and I know for certain that Senator Newell does not want to hide behind vague and uncertain language.

PRESIDENT: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: Mr. President, and members of the body, I rise in opposition to the Newell amendment and I do it for a couple of reasons, number one, we have got to pass a resolution in a positive vein so that the other states will then know we are going to join them, these other midwest states are going to know that we will join them in a compact, and we then are going to be received into the debate over that sort of an issue. If we don't enter into it in a positive vein, then they are going to say, wait, Nebraska, until you have indicated by your Legislature that you intend to join us in this kind of a thing. If you don't pass it in a positive vein, they will exclude us from the conferences and we will have no voice in it. Number two point, and the most strongest point of all, is that if we don't join a compact, we will then be all by ourselves and there is no surer way of guaranteeing that we will have a nuclear waste deposit site in Nebraska than to not join a compact. What it boils down to is we can in the conferences with the other states select a site that is acceptable to the total group, possibly not in Nebraska, a heck of a lot better chances of it not being in Nebraska if we join the compact. If we don't join the compact, we are absolutely guaranteeing that we will have to have a site of our own to deposit it here in Nebraska. Why wouldn't we? If we won't join the compact, they won't accept our waste so, consequently, we have to have one here in Nebraska to supply our own needs. So I urge the body to reject the Newell amendment, number one, and then pass this compact so that we at least will be in the picture with the other groups and can find a waste site not in Nebraska preferably. I ask you to reject the Newell amendment.

PRESIDENT: We are ready for your closing, Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, I kind of wonder what the debate is. I would like to explain one more time what my amendment does, and I listened to Senator Goodrich and he says we have got to indicate our intent to join. That is what my resolution says. It says, we change "will join" to "intent to join". We intend to join and then my resolution goes and adds a Section 3 and says we urge the Department to hold hearings so that the public can understand the merits of the proposal. What I am saying is is that I want a compact. There isn't anybody

that doesn't want a compact. That is not the issue here. The issue is whether or not we should say through resolution which according to Senator Schmit is binding that we will join the Central states and I am saying that we ought to allow, and that may in fact be the best decision, I mean I really do not know, but let me say this, as best as I can determine this is not a committee resolution, this is a resolution by Senator Schmit. As best as I can determine there have not been public hearings on a weighty decision to join a compact, which compact, et cetera. I am saying, fine, if we need to proceed and I doubt not that we need to proceed, and I do want to join a compact for the same reason Senator Goodrich indicates, but I don't think we ought to say we will join this compact or we ought to make that decision at this point in time without public hearings, without some understanding by the public, without a recognition by at least the Ag Committee and all the other folks that are involved in how that decision was arrived at. And that is all I am proposing here is to have a little more public input before we make a final decision as to which compact we join. Now I agree with Senator Schmit whose arguments were not everybody can understand everything and just because you don't understand, Dave, doesn't mean we can't proceed. I absolutely agree with that, Senator Schmit, but that is not what I am asking for. I am saying, let's indicate our intent. No question, we are indicating our intent with this resolution and then let's have public hearings. I am sure that Senator Schmit who has indicated that the Department intends to have public hearings would not oppose that, and so basically we are basically saying, yes, this is our intent. We are going to have public hearings. The public will have an opportunity to know but we have not made a final decision. Senator Schmit indicates we are going to have to make a final decision through legislative action anyways and so let's do it then as opposed to now. Let's not change if the change is needed or desired. This will not weaken the resolution. This will further clarify Senator Schmit's intent. With that in mind, and also signal to the public that we do encourage some public input on this very important issue, and I think we do encourage some public input on this very important issue. It is with this in mind that I urge this Legislature to look at the substance of my amendment and not at all the extraneous issues that have been brought up about whether to join a compact or not. Thank you.

PRESIDENT: The question before the House is the adoption of the Newell amendment to LR 233. All those in favor vote aye, opposed nay. Senator Newell, what do you want to do? Record the vote.

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LR 233

CLERK: 8 ayes, 21 nays, Mr. President, on adoption of Senator Newell's amendment.

PRESIDENT: Motion failed and any further amendments, Mr. Clerk?

CLERK: I have nothing at this time, Mr. President.

PRESIDENT: Senator Schmit, did you...Senator Newell, did you wish to discuss now the resolution as it is? Senator Newell.

SENATOR NEWELL: I want to ask Senator Schmit a question or two. Senator Schmit, is it your intention this resolution will bind us to joining the Central states before we have had public input?

SENATOR SCHMIT: I have told you, Senator Newell, that the resolution does not bind us. It is specific in that it says we shall join the Central states but nothing can be done until we have a bill before us. We are going to, as I have told you earlier, hold public hearings. We have held public hearings in the past. The Ag and Environment Committee had an interim resolution upon it. The decision to join the Central states was resolved at that and the discussions held by myself, Mr. Drain and others. The function of the compact, Senator Newell, is primarily an executive function...thank you, Senator Newell.

SENATOR NEWELL: Just a moment...yes, I just want to ask specific questions to get specific answers. Is it your intentions to have your committee, Ag and Environment, hold hearings or is it a commitment to have the Department hold hearings? What is the situation in terms of the hearings, very briefly?

SENATOR SCHMIT: The Department will hold hearings, period. The Committee on Agriculture and Environment will hold hearings, period.

SEBATOR NEWELL: You will both hold hearings?

SENATOR SCHMIT: We will both hold hearings.

SENATOR NEWELL: And that is a commitment?

SENATOR SCHMIT: That is a commitment. I want to reassure you again, the reason the Department does that is because of the executive nature of the function.

SENATOR NEWELL: And the reason that the committee does that is because of....?

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LR 233, 234

SENATOR SCHMIT: It is because the Legislature, the executive can do nothing without legislative approval, therefore, we have been invited to participate.

SENATOR NEWELL: And lastly but not leastly, you assure us that it can in fact be changed if the public's decision is not that this is best for us, the Central states compact is best for us? That is, in fact, an assurance, right?

SENATOR SCHMIT: That is my assurance to you, Senator Newell.

SENATOR NEWELL: All right, with that in mind I will not oppose the resolution.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Schmit, do you wish to close?

SENATOR SCHMIT: Thank you very much, Mr. President. I accept your gracious offer of support, Senator Newell. I hope it does not cost the resolution any support. I want to urge the body to support the resolution for the reasons I have given you earlier and I assure you that it is necessary that we proceed in the manner in which we are doing. I think that to do otherwise is an irresponsible act and I would hope that we will not do that. I urge the passage of the resolution.

SENATOR CLARK: The question before the House is the adoption of the resolution. All those in favor vote aye, opposed vote nay. Record the vote. Voting aye.

CLERK: Senator Clark voting yes. 36 ayes, 0 nays, Mr. President, on the motion to adopt the resolution.

SENATOR CLARK: The resolution is adopted. Next resolution is 234.

CLERK: Mr. President, LR 234 offered by Senator Goodrich found on page 942 of the Journal. (Read.)

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body, as the Clerk has just read, this is the resolution to remind the general public of the victims of crime. We passed this kind of a resolution in 1980 session. We passed it in the 1981 session, and now I am asking you to pass it in the 1982 session here, and just as a general reminder to the general public, to the judicial

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LR 231, 233, 234, 237, 238, 239
LB 571, 687, 817, 841, 852

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Pastor Leland Oswald,
First Mennonite Church here in Lincoln.

PASTOR LELAND OSWALD: (Prayer offered.)

PRESIDENT: Roll call. Have you all registered your presence?
Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, Mr. Clerk, are there
any corrections to the Journal?

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT: The Journal will stand as published. Any
other messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and
Review respectfully reports we have carefully examined
LB 817 and recommend that same be placed on Select File with
E & R amendments; and LB 852 with E & R amendments.

Mr. President, your committee on Miscellaneous Subjects
whose Chairman is Senator Hefner instructs me to report
LB 687 advanced to General File with committee amendments
attached; and LB 841 advanced to General File with committee
amendments attached.

Mr. President, LR 231, 233, 234, 237, 238, and 239 are ready
for your signature.

PRESIDENT: While the Legislature is in session and capable
of doing business, I propose to sign and I do sign LR 231,
LR 233, LR 234, LR 237, LR 238, and LR 239.

CLERK: Mr. President, Senator Clark would like to print
amendments to LB 571 in the Legislative Journal.

PRESIDENT: All right, Mr. Clerk. While we are waiting to get
started I think that we should recognize that Senator Kil-
garin is going to have...she is really getting old, she is
going to have a birthday tomorrow, I think all of 24, is
that right? I think we should all wish her a happy birthday,
particularly since she is supplying cookies this morning.
Happy Birthday. Senator Labeledz, we probably ought to con-
sider whether you want to go with LB 824 on motions.