

makes a promise and, as a result of that promise, another party acts upon that promise to their detriment and sustains damage as a result of it. In that case, courts have stepped in to say while it is not a binding legal contract, while there may not be a formal written document that has been signed, that if someone has made that promise knowing that the other party is going to rely upon that promise to their detriment, then they will, by court decision, require the first party to fulfill that promise. It seems to me that is what has happened with respect to the whole nuclear waste site dump issue. A promise, in effect, was made that there would be community consent before any waste dump was located in a particular county or locality. That promise was made in conjunction with the vote on it, the Initiative 402 that occurred last November. On General File, we had a whole list of the assurances provided by US Ecology representatives, by representatives of the Governor's Office, by the Governor, herself, by law professors, by a host of people who said, this site will not be located in a community without its consent. But now when Senator Dierks brings to us a proposal on a right to vote and, in effect, assure community consent, then suddenly that whole promise is withdrawn and community consent as it was portrayed before that vote was taken in November is suddenly different than what community consent is being defined as today. It seems to me we have never really dealt with the issue of what is community consent, and the people that were promising that there would be community consent have never made a substantial or a significant proposal to try to address that community consent promise. Certainly, I don't believe there was community consent when in 1983 this Legislature passed that particular compact legislation and representations were made that our chances of being selected as the site were less than one in 100, or that there was an assurance from DEC that it would not be located in Nebraska at all. I am sure, had I been here at that time, I would have acted probably like Senator Beutler, who represented our district, and voted for it even though he raised questions about whether that site would be located here, and those questions were answered in a fashion that provided assurances that Nebraska would not be the host site. I don't think there was community consent by Initiative 402. Certainly, those promises were made to induce people to vote against Initiative 402, and I think the public perceived Initiative 402 as not an issue of community consent but an issue of, hey, we have agreed. We passed legislation to be in the compact. It would be unfair to withdraw at that point. And I agree with that admonition. I can see people saying that the Legislature