

affect our attempts, that will be coming this year, to control our borders on the importation of solid waste. Most of these attempts, in the past, have been challenged by other states. The introduction of laws by other states has been challenged. And I feel that even though this...if this bill should pass, these attempts, since they are new legislation, would be worth introducing and passing and risking this possibility. I just want to bring up the question and, until I'm more comfortable with it on the next round, I will vote for it this round, but on the next round I have to be more comfortable with how the criminal provisions in solid waste and radioactive waste come into play and how this law would effect those provisions and the state's responsibility to pay attorneys fees. Thank you.

SPEAKER BAACK: Thank you, Senator Morrissey. Next is Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I had turned on my light to touch on what Senator Morrissey just mentioned because I had been discussing it very briefly with Senator Beutler just a moment ago. When you're dealing with a new area, this is my opinion now, no research or anything in connection with how this bill would apply to what Senator Morrissey said. But just trying to, as former Senator Vard Johnson would say, just kind of wool gathering, or as former Attorney General Spire used to like to say, thinking out loud. So, if I ramble a bit, then you'll understand. I think when there is a very serious area of public concern, broad-based in its ramifications, such as solid waste or hazardous waste, the courts are aware that there perhaps may not have been a lot of statutes passed that have been subjected to judicial scrutiny. So, there is a difference, in my opinion, of the Legislature moving into an area that is brand new and trying to find its way and a situation where it's an area where a Legislature has had much experience and chooses to disregard sound advice and goes ahead and enacts a law saying, we're sure this is probably unconstitutional, but let the court handle it. What Senator Morrissey is talking about is an area where nobody can predict, with precision, what the outcome of any challenge might be to any aspect of the law. We don't know what kind of criminal provisions will be put in such a law, against whom the criminal sanctions will be directed and I think a court would take all of that into consideration. There have been cases where, both criminal and civil, where the court will say each side bear its own costs and that could very well happen in a situation like