

establish that fee. And, of course, Senator Johnson has explained that because the language needs to be adaptable to all states. Some have a Department of Environmental Control, some may have a Department of Agriculture, Department of Health that are in charge of that operation. The language was purposely left vague, but there are two questions that I would like to ask Senator Johnson to reply to. One is, does he have any idea in Nebraska who would establish the fees and, number two, is there a procedure in the amendment that allows for settlement of a dispute if, in fact, Nebraska said we shall charge \$100 a ton as has been proposed for out of state garbage coming in to Nebraska and if the other states found that objectionable, would they be able to then override the host state charges as established? Is there a procedure for mediation, for arbitration, for discussion, number one. Number two, if not, then in effect I would assume that the entire membership of the compact would vote upon the fees and, in fact, since the compact member would have two voting members and the noncompact for the nonhost states would have one each, it would still be a 2-4 vote. In effect, are we not allowing the compact to set the fees regardless of the language in the bill?

SENATOR R. JOHNSON: Senator Schmit, there is a comment period of 120 days prior to any commitment I guess to setting the fees which will allow for, I guess, people to either object or agree with the fees that are set by the State of Nebraska, for example, if we end up being the host state. I'm not aware of any mediation procedures in the bill as it is written. That would be something I assume, as a host state, we would maybe want to talk about. As you said, the bill does not delineate a lead agency so to speak in this bill to...as to who is going to set the fees because that, again, is a decision I assume we would make in another year or so, maybe even this year if we want to, if this bill passes, as to which agency we would want to serve as the agency that would be setting these fees. It is anticipated that probably DEC would be the lead agency, but there could be others that might be involved in this procedure.

SENATOR SCHMIT: Thank you and, Senator Johnson, to continue on that course, what criteria, if any, are included in this amendment that would provide guidance to that agency in this example, the Department of Environmental Control, as to what would be the reasonable, acceptable or legal charges that might be...