

SENATOR CHIZEK: Is that a valid contract, first?

SENATOR R. JOHNSON: I...I feel it is and there are milestones that have been set by the site developer to meet. Obviously, obstructions of those milestones will cause the developer to miss what they need to do to meet those federal mandated milestones. Then, I guess, they could come back and say, we have...we must get...recoup our costs even though there have been barriers set in our way that were not of our own doing. So the chances of the State of Nebraska being fined or sued by the developer and/or the compact are very real.

SENATOR CHIZEK: Thank you, Senator Johnson. A question of Senator Dierks.

PRESIDENT MOUL: Senator Dierks.

SENATOR DIERKS: Yes, ma'am.

SENATOR CHIZEK: Senator, you heard my question and you heard his answer. Do you agree or disagree?

SENATOR DIERKS: I'm sorry, Senator Chizek, I really didn't...I was (interruption).

SENATOR CHIZEK: I asked him if every community turned it down that voted the fact that if we had a signed contract if we would end up being sued? Basically, his response, Senator, was sued and/or fined or a combination of both.

SENATOR DIERKS: My answer to your question, Senator Chizek, would be that if we provide the vote and it's turned down or if it's not licensable by the Department of Environmental Control, then I think it goes back to the hands of the compact. We say to them, we can't find a suitable site in Nebraska. One of the conditions that we accepted this thing in the first place was that you have community consent. You agreed to that. We don't have that. You have it back.

SENATOR CHIZEK: Okay, but my question is with...is the signed contract valid?

SENATOR DIERKS: Not unless we find community consent that approves the site or that the...it's licensable.