

Thank you, Madam President.

PRESIDENT ROBAK: Thank you, Senator Hall. Senator Beutler.

SENATOR BEUTLER: Madam President, members of the Legislature, I hope you will oppose the amendment and I hope before the debate is over and Senator Hall and Senator Will have finished making their very valid points that they will relent on this particular issue because I think there...I of course think there is a reason to extend the statute of repose for everything. However, I think there is also a special reason for extending the statute in this particular case because I think this is a particular circumstance and I would point out to you that we have already recognized in the law that this is a particular circumstance, that this is a highly dangerous kind of activity and we've identified that by saying that in the case, in these kinds of cases our liability standard is going to be strict liability. That means if you're one of the people responsible for high-level waste and you have an accident and even if it's not your fault, you're going to pay for it. It's strict liability and that's different from how we do all other products or almost all other products, maybe dynamite excepted and a couple of other things, for all other products the standard is negligence, not strict liability. So we've already said that there are different kinds of things and some of them are very, very dangerous and high-level nuclear waste is one of those and we say it's subject to strict liability. Well similarly I think it's reasonable people can make a distinction between the statute of repose with respect to ordinary kinds of products and a statute of repose that would be applicable to a very, very dangerous kind of activity such as we've identified by the strict liability standard. So I realize that there is an element of education and an element of retribution in this particular amendment, but I hope our better angels will come out and we will not allow retribution and we will recognize the fact that this is a highly dangerous activity and the law has already acknowledged that there are reasons for making exceptions and distinctions in this case.

PRESIDENT ROBAK: Thank you, Senator Beutler. Senator Will.

SENATOR WILL: Thank you, Madam President, members of the body, I rise again in support of the Hall amendment to the committee amendments. Senator Dierks is certainly more well versed in the technical terminology in this area so I'll defer to his