

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 30, 1999 LB 530

and the appeal. There is a pending appeal process. The license, the temporary one has been denied. That's what's on appeal right now administratively. There are lots of things going on in this area, and we could do two things. You could sit back and just say let's wait and see how it all pans out. That wait could be several years. I think the Attorney General plans to appeal. They'll wait and see how this injunction turns out. But if we would lose that, I think there will be an appeal to the Eighth Circuit, or that's a possibility. That could take years to complete. Then there would be a trial on the merits. That could be some time longer down the line. If we sit and just wait, as a Legislature, as a state, the picture isn't going to get any clearer. It's just going to get cloudier and our risks continue to rise. And so I...I've come to the conclusion, in the past I've supported staying in the compact, I think the times have changed enough and there's been enough safety here in terms of our position, I'm willing to make that change now that's different than where I would have been two, three years ago, but to withdraw, pay our dues. It's sort of a conditional withdrawal. It's not like you can just say, I quit, and walk out of there. It takes you five years to phase out, and that's what I think we intend to do...

SENATOR WICKERSHAM: One minute.

SPEAKER KRISTENSEN: With that, we're going to have to still pay the fees that Senator Dierks talked about. This is going to get expensive, particularly if the injunctions are successful, and we're going to have to fund our own lawsuits, our own appeals. I don't know what we're going to do with the money going up to the Boyd County Monitoring Committees. We're going to have to face those issues and my guess is there will be people back to us requesting monies. But the issue is, are we responsible for a breach of contract or the compact to the waste generators in the other states and, ultimately, to our own waste generators? I seriously doubt that our own waste generators would bring suit against our own state, but what about those outstate, out of our state generators? I'm at the point where I believe we should exercise our...our option, and our option is to say, I'm sorry, we no longer want to be in the compact. That's not done in bad faith. That's done as the fact that times have changed nationally. We no longer...