

# MINUTES

*(Verified with meeting transcript)*

{Amended at the January 21, 2004 meeting - addition is underlined}

## CENTRAL INTERSTATE LLRW COMMISSION SPECIAL TELECONFERENCE

**WEDNESDAY, OCTOBER 1, 2003, 7:00 A.M.**

In compliance with Commission Bylaws and Rules, a meeting notice announcing the date, time, location and agenda availability was mailed to the interested parties on September 17, 2003.

A Special Teleconference of the Central Interstate LLRW Commission was held Wednesday, October 1, 2003, for the purpose of taking action on Export Applications and Nebraska's Rule 23 Complaint.

The Chair called the meeting to order at approximately 7:03 a.m. and roll was called. Responding to the roll call were: Arkansas Commissioner, Laura Gilson; Kansas Commissioner, James J. O'Connell; Louisiana Commissioner, Michael Henry; Nebraska Commissioner, Greg Hayden; and, Oklahoma Commissioner and Commission Chair, Catherine Sharp.

Also present were Kansas Alternate Commissioner, Ron Hammerschmidt, Administrator, Rita Houskie and Secretary, Misty Butcher.

No members of the public spoke during the general public comment period.

The Chair stated that there were seven export applications to be considered for approval.

**Motion** (*Resolution 1*) by Louisiana, second by Arkansas, **to approve non-federal export applications for:**

- University of Arkansas for Medical Sciences, 2003-2004 (AR)
- Emporia State University, 2003-2004 (KS)
- Arkansas Children's Hospital, 2003-2004 (AR)
- University of Nebraska Medical Center, 2003-2004 (NE)
- Cimarron Corporation, 2003-2004 (OK)
- Surbec-ART Environmental, LLC, 2003-2004 (OK)

Motion **passed** 5-0

The Chair stated the next item on the agenda was a resolution authorizing the Commission's attorneys to respond to Nebraska's Rule 23 complaint.

Discussion followed regarding the usage of "vigorously assert all available defenses". The Nebraska Commissioner expressed concern about the language possibly allowing legal counsel to hire a firm to undertake public relations activity against the State of Nebraska, the Governor or other parties. He suggested changing the wording to "to vigorously proceed with the case" citing that the wording would cover the Commission's intent.

**Motion** (*Resolution 2*) by Kansas, second by Arkansas:

### RESOLUTION CONCERNING DEFENSE OF LAWSUIT

"In light of the filing of a lawsuit on August 22, 2003, by the State of Nebraska against the Commission, Case No. 4:03CV-00308, in the United States District Court for the District of

Nebraska, the Commission hereby authorizes the Commission's legal counsel, Cline, Williams, Wright, Johnson & Oldfather, to file all necessary responsive pleadings in the suit, to vigorously assert all available defenses, and to proceed with the case under the strategic supervision of the Commission Chairperson and/or the Litigation Committee."

Motion **passed** 4-1 (Nebraska voting no)

Motion to adjourn by acclamation. Meeting was adjourned at approximately 7:15 a.m.