

PRESIDENT: The Chair recognizes Senator DeCamp. May we have order in the Chamber please (gavel)?

SENATOR DECAMP: Mr. President, there is an old saying in the army to the effect that either lead, follow, or get out of the way so somebody else can. In this particular situation, I have taken the posture on this resolution, well, it is time if the Governor wants to make an attempt to lead this to give him at least this opportunity. That is why I put my name on the resolution. I want to caution you, however, there are several problems I do personally see and I want it a matter of record. The first problem is the liability. By any way of reckoning you want after the most intensive study, the Commonwealth Committee concluded there is no liability. Now for those of you who have doubts about that issue, I suggest you read the latest Supreme Court, and I am talking about the United States Supreme Court, opinion on the subject, and after you have read it, you will have no doubt either nor did Judge Cheuvront when he made his original ruling throwing out the claim. Were I doing this myself, I would take a different approach. I believe the solution lies in a combination of some tort claim settlement that can be justified in a court, and above and beyond that, some public purpose issue. However, as I said, it is time to either lead, follow, or get out of the way. I am willing to follow and see how this works. I have reservations about the amount. I may or may not offer an amendment to make the amount such an amount as is reasonably proper and approved by the District Court because I think there is a significant possibility that a taxpayers suit could overturn everything we get done if an amount is excessive. And to those who would say, well, who is going to file the suit, when you are talking about multimillions, there may well be a group put together and a lawyer gets a suit that goes up and ties this whole thing up if it isn't a reasonable settlement or if it isn't in line. In fact I would just about be certain of it. There has been talk about a moral responsibility, a moral responsibility. Senator Nichol mentioned it. I think Senator Johnson hinted at it. Certainly Senator Landis and others have espoused it. Moral responsibility is what I agree is here because the legal one probably is not, clearly is not. If you are talking then about a moral responsibility, you are talking about a public purpose responsibility. Again I say that is the proper approach. That is not the approach that has been opted for. However,