

Speak on the Vickers amendments? Senator Higgins, did you wish to speak on the Vickers amendments? All right. Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, as co-introducer of this bill, I rise to oppose the Vickers amendment. I recognize the validity of the philosophical question Senator Vickers places before us, but at Select File it is a little late to change the philosophy of the bill. This is, you will recall, a bill that has been endorsed by the water congress that the Governor called about a year and a half ago, perhaps two. It was the only unanimously agreed to recommendation of the farmers and developers that were on that group. It may be the case that we need to philosophically rethink and decide some of the super fund theory that Senator Vickers proposes but I would suggest that be done through the process of public hearings in a separate bill at another time. Select File, with five days to go, is no time to adopt the super fund concept. There are a couple of other points I would like to make. First, DEC, which opposes the amendment, indicates that a single emergency clean up could bankrupt the fund if it is premised in this kind of language because, in fact, what you have there is no cap on the amount of recovery that can be had. Secondly, while the idea has some merit for consideration, it is premature without a comprehensive emergency clean up and liability act. It tries to establish liability rules now, or clean up rules now when those have not been comprehensively thought out. Third, it is inequitable in that under similar programs responsible parties are liable for the full amount and here on Select File, with five days to go, we would be writing some new rules and assuming some responsibility for the state. For these reasons and because the bill, as it has been drafted and amended, has had the virtue of a public hearing, has had the oversight of a number of farm groups, environmental groups and their endorsements and the bill at this point is noncontroversial. It is late in the session to introduce a potentially controversial measure and threaten the livelihood of a bill that has been around for two years and which most everyone agrees is well worth it and deserves to be passed this year. I, myself, have a brief amendment to the bill which is agreed to both by the ag interests that have raised some questions and the Department of Environmental Control, which is, in effect, noncontroversial. It follows this Vickers amendment. I would ask this body to simply vote no on the Vickers amendment, not to say to Tom, let's...we refuse to answer that question or that is a bad idea, but to simply say that it is an idea that has not had the scrutiny of a public hearing, that is