

this is what the bill says in the first place, that it has to be on the pump. It really doesn't address itself to failure of the device itself but you could really be in serious trouble because some of these outfits, the tanks that feed this material into the pump, would continue to operate after the pump was shut off and this material would just continue to go right down into the well and into the water table, and if we really want to get into trouble with the ecologists and with people so concerned about herbicides and insecticides, this is the way to do it. Let a few things like this happen and fill our underground water table with a bunch of this, it would be worse than an oil spill in the ocean. So I think we ought to leave the penalty pretty high because it is very serious business to put that down into the water table.

SPEAKER LUEDTKE: The Chair recognizes Senator Kelly.

SENATOR KELLY: Mr. President, colleagues, don't get that fine too low or people will quit buying check valves.

SPEAKER LUEDTKE: The Chair recognizes Senator Mills.

SENATOR MILLS: Mr. President, members of the Legislature, I certainly have some agreement with Senator Burrows, but as Senator Kremer has mentioned, this has been on the legislative statutes for a number of years. As Senator Kahle has so aptly brought to your attention in those areas which are abundant with sprinkler systems, I know, I serve some of them and a lot of them do not have or haven't had the correct use with check systems and those check valves as Senator Kelly so aptly spoke but I do feel that this fine perhaps could be too strong but it will certainly drive home the point, especially to those people who are in the business of selling irrigation systems, that they know that they should be, when selling an injection system, honest with those people buying them and tell them what a severe penalty there is. I suggest that you leave it the way it is.

SPEAKER LUEDTKE: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I agree with Senator Kremer. I believe the penalty is too severe. There isn't any farmer going to knowingly contaminate his underground water and I think that the fear to which Senator Mills alludes is unfounded. I know of many farmers who dispense chemicals and fertilizers through their systems. I know of no one who does who does not equip his pump with the proper equipment. What you are doing is to take someone who has inadvertently might not have his equipment properly adapted and you are going to subject him to a penalty far more severe than someone who goes out and deliberately violates a statute that is very seriously infringing upon the rights of the people. I find it very difficult to understand why, in instances of this case, we are willing to impose severe penalties upon persons who have never been convicted of any criminal activity in their life, and yet you impose a penalty, a jail sentence and a very severe fine. It is completely ridiculous. It is unnecessary. It is unfounded. It is arbitrary and it should not be enacted into law. I want