

claim against a fund that hasn't had time to build up. Unfortunately, I have to say that 289, I wish we could have moved earlier our considerations, I know it's a hard issue, I know it's difficult, but it seems to me that we exacerbate the difficulty of 289 by front-loading into the system a bunch of claimants on a relatively arbitrary basis. 1986 certainly has no magic that I can tell. If the state does have a responsibility, then why doesn't it predate that moment? But what we have is the possibility of front-loading a fund and starting on day one with an insolvent mechanism. I intend to oppose the Warner amendment. I intend to ask the body to expand the amount of revenues and resources this state maintains. I intend to ask the body to create a different larger cushion so that the administrators of this program won't have to turn on and turn off at a moment's notice the taxing mechanism that's at the base of this whole thing and create...

SPEAKER BARRETT: One minute.

SENATOR LANDIS: ...administrative difficulties, but the place to begin with is to ensure the integrity of the fund, and it seems to me that you can't front-load it with a bunch of obligations when it doesn't even exist at this point to do that. I oppose the Warner amendment.

SPEAKER BARRETT: Thank you. Senator Schmit, on the Warner amendment.

SENATOR SCHMIT: Mr. President and members, when the committee debated this bill in the committee, we discussed the retroactive responsibilities and decided to put the bill out without that provision in it. I do, however, have...and Senator Landis has given virtually all of the reasons, and good ones, why it should not be made retroactive. The problem that I have with opposing the Warner amendment is this, that historically in the environmental area we have always attempted to enact legislation which encourages a citizen to report any problem that might be a threat to the environment. We have done so, recognizing that many of the practices that we were involved in, five or ten or fifty years ago, were considered normal practices at that time and that the problems that have resulted from those practices should not necessarily be held against the individual, because at the time they were engaged in, they were the best technology available. We have, of course, a situation here where, in effect, the citizen, the private citizen, and agriculture,