

SENATOR LANDIS: Sure. Let me tell you what I think the effect of striking Section 18 does in that case. By striking Section 18, we do not...we stop ourselves from creating statutory authority in the department to settle third-party claims on behalf of third parties, but without necessarily their approval. We don't give that authority to the department to do that.

SENATOR MORRISSEY: Correct.

SENATOR LANDIS: Now, by being silent on the subject, we would simply go to normal law, which would allow for the settlement and compromise of claims by interested parties. And we would back to be...the normal situation is if I've got a claim against you, you and I can talk about it and I can take 50 percent of what I think I'm owed so that you'll get a release that says we don't go to court and I don't sue you.

SENATOR MORRISSEY: Correct, correct.

SENATOR LANDIS: And that would be the state of the law, if we take Section 18 out.

SENATOR MORRISSEY: Yes. Okay, thank you. Thank you, Senator Landis. That is my understanding of how this would work now. That we would just go under normal procedures for settlement, out of court settlements, which would be...which are now presently available. My problem being that the third party...the way Section 18 is written, the third party is not...does not have to be in concurrence of the settlement that the Department of Environmental Control, the responsible party and the Attorney General do. And I think we could just simply eliminate this section and allow for normal out of court settlements to take place. And if I am wrong on that somehow, I'd expect the department to let me know, and I don't think I am.

SPEAKER BAACK: That was Senator Morrissey's closing, so we will now proceed to vote on the Morrissey amendment to the committee amendments. All those in favor vote aye, opposed vote no. Record, Mr. Clerk.

CLERK: 19 ayes, 0 nays, Mr. President, on adoption of Senator Morrissey's amendment to the committee amendments.