

legislation which is not well thought out is a mistake. It's a mistake. It's an error and, unfortunately, we don't pay, the public pays, and the operator pays, and the individual pays. In politics, if you make a...if we make a mistake, the public pays. In private industry, if you make a mistake, we pay, the individual pays. It ought to be turned around, I hope. But I would hope you would adopt this amendment. I will be glad to answer any questions.

SPEAKER BAACK: Thank you, Senator Schmit. I do have a long list of speakers and I will ask you whether or not you wish to speak on Senator Schmit's amendment. Senator Owen Elmer.

SENATOR ELMER: Thank you, Mr. Speaker. I don't have any particular problem with Senator Schmit's amendment but I would like, after I've visited here just a little bit, to have Senator Schmit address a couple of my concerns. One is in order for an individual who is subject to the requirements to clean up a spill and submit a plan for cleaning up this spill, is there...question number one, is there in other parts of the legislation, in the law, a requirement for the individual to inform the DEC or to send them a notification that a spill has occurred? And would this particular notification be fulfilled if an unlicensed backhoe operator was not aware that this notification had to be made, and then by their...by not notifying the DEC disqualify them from participating in the fund after they had done everything else? Senator Schmit, would you yield?

SPEAKER BAACK: Senator Schmit.

SENATOR SCHMIT: Senator, all of those requirements that you are discussing were included in the bill on its passage. The requirement of a licensed backhoe operator, installer, etcetera, was added by the fire marshal, had nothing to do with this legislation. All of the other requirements that you referred to were addressed in the bill, the notification, procedures, all of that has to be addressed in the bill. I, obviously, don't have the statute, the original statute, here ahead of me. I could review this present statute but those requirements were well taken care of. The requirement for the licensed backhoe operator was just one additional refinement, which I think was unneeded, unnecessary, and costly, and ought to be specifically addressed by this body.