

SPEAKER BAACK: Thank you, Senator Elmer. Anyone else wishing to address the Bromm amendment? Seeing no one, Senator Bromm, would you like to close? He waives closing. We will now vote on the Bromm amendment. All those in favor vote aye, opposed vote no. Record, Mr. Clerk.

CLERK: 23 ayes, 0 nays on the amendment to the committee amendment, Mr. President.

SPEAKER BAACK: The amendment is adopted. We are now on the committee amendments. Senator Warner, did you wish to address the committee amendments?

SENATOR WARNER: Yes, Mr. President, members of the Legislature, I have a question for Senator Beutler and I don't think I have any objection to the amendment, but I do not recall on the committee amendment which is Section 4 you also put a sunset on the date where the department could take remedial action where a responsible person cannot be identified and I simply do not recall, but you know if we know that these contaminated areas show up many years after a service station perhaps has been gone for 40 years but the contamination is still there. Do you recall off the top of your head under those circumstances who ends up being responsible for cleaning that up when after 1998? I think those kind of situations qualify currently, but I'm not sure.

SENATOR BEUTLER: Senator, I think that I'm going to seek further information rather than to try to answer that all together because off hand I can't remember either for sure. My memory is that those situations do qualify and there is a certain chain of liability which I think ultimately falls back on the owner of the property. I don't know if that...that doesn't really...but I'll get the answer for you.

SENATOR WARNER: Well I mean generally that's what I thought but I'm just wondering. Some of these sites can be very old, may well not be discovered and I thought whoever owned the property probably was responsible, but they may well have had nothing to do with condemnation.

SENATOR BEUTLER: Well that's right and that's why we have this fund in the first instance.