

EXHIBIT 4

EXCERPTS

Transcript of Hearing Before the Senate Committee on Judiciary
March 19, 2014, CD No. 14-74

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S. Jud 14-74

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1 Senator Sears: Junior, James is from Addison county and has
2 some thoughts for us. He's an organic farmer, and I guess I
3 should announce that I knew James when we both has a lot of
4 hair. Go right ahead from there.

5 James: I don't know how I can follow that--

6 Senator Sears: Right I realize that, I've set you up haven't I,
7 once again.

8 James: Thank you--

9 Senator Sears: He was also a great hockey player by the way.

10 James: Thank you very much Senator Sears. I should say that
11 I'm testifying today as an individual, I am not affiliated with
12 the Sierra Club of Vermont, which was erroneously listed on the
13 program this morning. I am a staunch supporter of organic
14 agriculture. Organic farmers believe that GMOs have no place in
15 the food chain. Not because they are exotic or because they may
16 be a health threat, but because they distort the economics of
17 farming. Specifically they are an extension of conventional
18 agriculture, the organizing principal of which is that farmers
19 have the unfettered right to lower their costs and raise their
20 productivity, by transferring their costs to other astringent
21 systems. Such as the community of farmers, the rural economy,
22 the lake, and the atmosphere. I do not appose labeling GMOs per
23 say. But labeling GMOs is a shibboleth, for a far larger issue.
24 Unprecedented numbers of American consumers have lost faith in
25 the American farm and food system. They are demanding that

1 government assure them that animals will be humanely treated.
2 They demand that the government assure them that their food is
3 safe. They demand that farm workers be treated equitably.
4 Conventional agriculture has been the prevailing paradigm here
5 and all across the united states since the close of world war 2.
6 It was invented to raise yields and lower costs, and it works.
7 The American families cost for food has plummeted from twenty
8 seven percent of take home pay in ninety forty, to about nine
9 percent today, a three fold savings. But conventional
10 agriculture achieves this by applying inexpensive toxic
11 chemicals, instead of achieving soil fertility through crop
12 rotation. Instead of achieving soil fertility through crop
13 rotation, instead of achieving wheat control by mechanical
14 cultivation, and the cost of labor. And externalizing i.e.
15 discharging the residues from these chemicals into the lake.
16 Consumers were told these chemicals were safe, and that they
17 would be applied in minute concentrations, and that they would
18 dissipate harmlessly. Labeling proponents insists upon the
19 right to know what's in their food, and I support that right. I
20 know what's in my food because my wife and I buy nothing but
21 organic food. Organic farming was invented as an antidote to
22 conventional farming. It is mindful of it's place in society.
23 It does not permit GMOs, it does not decimate and consolidate
24 it's neighbors, it does not over produce it's markets. It is
25 not destructive of our communities, our soil, our water, and our

1 atmosphere. Organic does not permit GMOs, and it is clearly
2 labeled. Everyone has the right to know what it's in his or her
3 food, and everyone has access to this simple way of finding out.

4 But petitioners are apparently not satisfied with this option
5 because they say organic food is too expensive, they want cheap,
6 safe, unadulterated, conventional food. Here is petitioners
7 dilemma, they want cheap, safe, unadulterated food, without
8 apparently understanding that safe and unadulterated were the
9 very values conventional agriculture cashiered to make it cheap.

10 I can't overstate this point, safe and cheap are two sides of a
11 coin. You can have cheap or you can have safe. But you cannot
12 have them both. Not withstanding petitioners ask government to
13 assure them that conventional food is both safe and cheap.

14 Their faith is misplaced. In the name of cheaper, more
15 plentiful food, federal and state government have supported
16 conventional agriculture for fifty years, even knowing, or with
17 the knowledge readily available that conventional agriculture's
18 impressive gains are exquisitely realized by polluting the
19 nations water, and by fouling the atmosphere, by encouraging
20 over production, which drives low farm prices and [INDISCERNIBLE
21 00:04:27], which effects a massive transfer of wealth from rural
22 to urban economies. These are not incidental side effects of
23 the miracle of modern farming for society to justify, ignore, or
24 manage, as Vermont has tried for two generations to do. They
25 are the protocol's fundamental economic precepts. Evidence

1 abounds that the protocol cannot be applies on any scale without
2 inviting these results. Again I do not appose labeling GMOs,
3 although if, as petitioners claim, GMOs pose a health threat,
4 labeling would seem a pretty tame response. Be that as it may,
5 labeling them is a [INDISCERNIBLE 00:05:04]. It does not get
6 artificial petroleum based herbicides, pharmaceuticals, and
7 fertilizer residues out of conventional agriculture, and out of
8 our water. It does not reduce nitrous oxide emissions from
9 conventional agriculture in our atmosphere, it does not stop
10 conventional agriculture from cannibalizing our small to medium
11 size farms. The ones ninety seven percent of Vermonters told
12 the survey on the future of Vermont, that they support. The
13 one's tourists come here to see. It does not get a panoply of
14 known toxic chemicals out of processed foods. It does not
15 disturb conventional agriculture's prominence as the single
16 greatest contributor to pollution in Lake Champlain. It does
17 not help Vermont meet it's TMDL, or our farmers to ween
18 themselves of a system that forces them to over produce their
19 markets, push their cows beyond their natural limits, earn less
20 than their costs, and consolidate their neighbors. Neither does
21 labeling and legislatures habitual allocation of sixty to eighty
22 million dollars a year to conventional farming, which in the
23 name of lowering costs and raising yields, has decimated ninety
24 three percent of Vermont's dairy farms. Conventional farmers,
25 and the Vermont farm bureau, who are joined by the Vermont

1 Agency of Agriculture of Food and Markets, make the argument
2 that Vermont farmers need artificial fertilizer, herbicides,
3 pharmaceuticals, growth hormones, fifteen hundred cow herds,
4 high phosphorous feeds, and GMO seeds to remain competitive.
5 They say the world's population will soon top nine billion, and
6 farmers must deploy every available technology to feed the
7 world. Let's be honest, the world's population may well be
8 heading towards nine billion, but Vermont's farmers who make
9 barely one percent of the nations supply of raw milk, and
10 virtually no material part of the nations supply of meat, grain,
11 fruit, or vegetables, have no responsibility, nor any capacity,
12 for feeding the world. Vermonters spend ninety five percent of
13 their grocery dollars on food imported from elsewhere. The
14 American public believes without justification, that Vermont is
15 the green state. Consumers in upscale urban markets are
16 increasingly eager to pay premiums for food that is safe,
17 unadulterated, and GMO free. Food that is raised in a state
18 that does not permit the application of eighty million pounds of
19 petroleum based fertilizers to it's field. A state that does
20 not allocate tax payer dollars to support these practices, or
21 [INDISCERNIBLE 00:07:31] up misleading arguments to justify the
22 pollution of it's water and atmosphere. Vermont can become the
23 place most people believe us to be, but our agricultural sector
24 cannot take advantage of this opportunity, while the legislature
25 is spending it's time debating whether or not to label GMOs,

1 while allocating tax dollars to feed with one hand, the problem
2 it believes itself to be legislating with the other to fix.
3 Instead of debating whether or not it is feasible to label
4 conventional food containing GMOs, especially when milk and
5 meat, Vermont's two most important agricultural products are
6 exempt, the legislature should commit to meeting our TMDL.
7 Which it cannot do until and unless it confronts conventional
8 agriculture. The legislature must overhaul it's support for
9 agriculture by revoking the memorandum of understanding, which
10 ill advisedly took responsibility for water quality away from
11 ANR, and gave it to Vermont Agency of Food and Market,
12 Agriculture of Food and Markets. It must repeal the broad
13 exemptions provided to agriculture in our land use regulations,
14 and in act two fifty. It must revoke the accepted agricultural
15 practices rules, which were not written to protect water
16 quality, but to shield the industry from such regulation, and
17 open them to judicial review. It must phase out state support
18 for conventional agriculture, including sales tax exemptions,
19 current use and the purchase with tax payer dollars of so called
20 conservation easements, but the Vermont Housing and Conservation
21 Board, and the Vermont Land Trust. The receipt of these
22 benefits must be made contingent upon sustainable farming
23 practices, on being certified organic, or in the process of
24 converting to certified organic. Vermont has dragged it's feed
25 for forty two years, rather than comply with the clean water

1 act, it is time to comply. We must meet our TMDL. An answer to
2 those who want Vermont to label food containing GMOs, Vermont
3 has only to assert the states commitment to clean, unadulterated
4 certified organic food, and to ensure all those who buy Vermont
5 food, that the state support's their right to know what's in,
6 and what's not in their food. You can do all this without fear
7 that your actions will be challenge as unconstitutional because
8 thank in large part to Vermont's own Senator Patrick Leahy, the
9 national organic program is already codified in federal law.

10 Thank you.

11 Senator Sears: Thank you. Questions, Senator White.

12 Senator White: This is kind of more of a comment, but if
13 you--when you were talking about cheap food, if we really added
14 in the cost of cleaning up the lake, and the cost of increased
15 [INDISCERNIBLE 00:10:08] because of transporting, and the cost
16 of less nutritional value because we're harvesting all the
17 asparagus before it's ripe, all that kind of stuff, it wouldn't
18 end up being cheap, but we don't do that, right. I mean if we
19 added that into the cost of buying asparagus from Mexico or
20 wherever--

21 James: Well Senator White you're referring to a much larger
22 theater of operation--

23 Senator White: Right.

24 James: Asparagus comes from California.

25 Senator White: Or wherever.

1 James: Well I would love to be sitting here having something to
2 do with the way agriculture is conducted in the whole country,
3 but I'm not. And I don't even flatter myself to thinking that I
4 have any effect on how farming is conducted in Vermont, but
5 that's what I'm trying to do. We make--only milk is really
6 our--is eighty some odd percent of our agricultural product here
7 in Vermont. And my position really is, is that since Vermont
8 milk is only one percent of the national supply anyway, why if
9 we don't need to farm at all, do we pollute the lake to do it.
10 We--Vermont is considered by many a green state, and for the
11 most part I think in many ways we are the green state, and yet
12 we have this little problem, that we pollute the lake. And
13 farming is responsible for--conventional farming is sixty
14 percent of that. So if we--if we took all the money--and by the
15 way I do suggest that you do this--I would--the state should
16 take all the money it spends on cleaning up the lake, and give
17 it to NOFA, and help them convert Vermont farms, all of them, to
18 organic. Organic is not a panacea, and I don't believe for a
19 minute that this can be done overnight, in fact I would
20 recommend that it be done over a period of twenty or even twenty
21 five years, which would allow conventional farmers to realize
22 their legitimate investment backed expectations. We don't want
23 to bring the hammer down on our farmers, we've already been very
24 cruel to them in the past fifty years. But the business model
25 that they operate on is untenable, it's untenable socially,

1 economically, and ecologically, and it's time for us to realize
2 that. So I would definitely shift the cost of supporting sixty
3 to eighty million dollars a year goes for current use, and
4 current use goes principally to support organic--I mean
5 conventional dairy farms, because they are the predominant kind
6 of farm in Vermont, and conventional farming pollutes the lake.
7 So the tax payers are actually funding the pollution of the
8 lake. GMOs are a part of this picture, but they are a tiny part
9 of this picture. My wife insists that I sit here and say I
10 don't oppose labeling GMOs, I don't, go ahead, label them. But
11 the big picture is much much more important, and we must meet
12 our total maximum daily load. The EPA is asking us to meet our
13 water quality standard, we haven't met them for forty two years,
14 principally because we have been unwilling to confront
15 conventional dairy. Now we must do it, and this is gonna cost
16 the state a whole lot more, a whole lot more.

17 Senator Sears: Other questions for James, Senator Ashe.

18 Senator Ashe: Two questions. One is shibboleth, a quick
19 definition please.

20 James: Shibboleth is a stand in for something else.

21 Senator Ashe: OK. So and it leads to--

22 James: And it's put forward to stand in for something else,
23 it's a distraction.

24 Senator Ashe: Well that leads to what your wife asked you to
25 say today. So you're--I'm just trying to distill your ultimate

1 position which is, this is all fine and good, labeling GMOs, but
2 you think all the action is somewhere else, and that if we allow
3 this to distract this from the everything else that really
4 matters, then we would be doing ourselves a disservice and the
5 state. Is that the short story of your [INDISCERNIBLE
6 00:14:18].

7 James: If I could have thought of saying it so quickly, yes,
8 that is the short story.

9 Senator Ashe: Got it. No I appreciate it--

10 James: Thank you.

11 Senator Ashe: Drawing it out it was very interesting.

12 James: Thank you.

13 Senator Sears: Jay and I had a conversation about the exemption
14 of milk for example, just using that as an example. Now we
15 exempt milk for a number of reasons, but the probably eight
16 million people, that you estimate that drink Vermont milk, maybe
17 eight million, seven million people.

18 James: I would've thought way more than that, we supply, you
19 know, Connecticut, New York, New Jersey, Massachusetts.

20 Senator Sears: Let's just say eight million.

21 James: We have forty million people in the--within two or three
22 hundred miles of here.

23 Senator Sears: Right let's just say ten million people.

24 James: OK.

25 Senator Sears: Whatever million you want to use.

1 James: OK.

2 Senator Sears: Drink Vermont milk.

3 James: Right.

4 Senator Sears: That won't be labeled.

5 James: Right.

6 Senator Sears: But how many people eat West Minster Crackers.

7 James: Yeah.

8 Senator Sears: That will be labeled. I think that's the--

9 Senator Ashe: No I understand, I understand.

10 Senator Sears: And I thought that's a compelling argument in
11 terms of what we're doing here, with our facing the wake in the
12 federal TDL and all that. I thought well, it's really not the
13 standard, the legal challenge, but I think on another angle,
14 it's important to understand that labeling GMO in a food product
15 like a cracker, doesn't necessarily get you where you want to
16 be. Yeah.

17 Senator White: I was happy to see you use the term conventional
18 farming, as opposed to traditional farming, because a lot of
19 times people use traditional. But traditional farming actually
20 is more organic farming.

21 James: Well all farming was organic prior to nineteen fifty.

22 Senator White: Right so I was glad to see you use that term.

23 James: And we have now two generations of applying conventional
24 farming, which is--and somewhere along the line it got labeled
25 conventional. Obviously it wasn't introduced as conventional

1 farming.

2 Senator White: Right, it was--

3 James: And it was not conventional in nineteen fifty.

4 Senator White: Right.

5 James: It's become conventional.

6 Senator White: It has, yep.

7 James: Yeah.

8 Senator White: Thank you.

9 James: Any other questions.

10 Senator Sears: Thanks so much.

11 James: Thank you senator.

12 Senator Sears: I appreciate it.

13 James: Thank you.

14 Senator Sears: We will see you again soon.

15 James: Thank you.

16 Senator Sears: Our next witness is Dan Barlow from the Vermont
17 Business of Social Responsibility, Policy Manager.

18 Dan: Thank you. For the record my name is Dan Barlow, Public
19 Policy Manager with Vermont Businesses for Social
20 Responsibility. I apologize I didn't email over my testimony,
21 I'll do that right after I finish here so that--

22 Senator Sears: Well yeah, you can email it to Penny Carpenter,
23 she can get it to the--in the record.

24 Dan: I appreciate that. For those who don't know much about
25 VBSR, we are a statewide business organization, we've been

[intentionally left blank]

1 Bridget: Absolutely can.

2 Senator Sears: Can't keep track of them all. I guess two
3 questions from myself, and one is, what is the likelihood of
4 being--let's say that we put a two year trigger on this, with
5 some appropriation or whatever, you know forgetting that. But
6 it's gonna be effective two years from July 1 of 2014--July 1 of
7 2016. What is the likelihood of being sued before the effective
8 date.

9 Bridget: If--the part that's hard for me to estimate is how
10 likely is industry to want to sue. But we certainly heard in
11 the past that there was some likelihood that manufacturers or
12 retailers would litigate. So if there's--if they want to
13 litigate over this, my guess would be that they would file well
14 in advance of the effected date, for a number of reasons.
15 They're gonna have--they're gonna be looking towards costs to
16 gear up, to have the labeling requirement. So they're gonna
17 want some certainty as to the law, before it goes into effect.
18 And if they come in to court on the eve of the labeling
19 requirement going into effect knowing that it's been coming for
20 eighteen months or two years and then they're trying to get
21 emergency relief from the court so that they don't have to
22 comply with it, they're gonna have hurt their position by
23 waiting when they could've been litigating. So you know if the
24 plan is to litigate, I think they would litigate earlier.

25 Senator Sears: It would be likely whether or not we have a two

1 year effective date or not, if they would sue shortly after--the
2 argument, and you know I raised that argument with a House
3 member, who said, oh wow they haven't sued Connecticut. Could I
4 presume that they haven't' sued Connecticut because they know
5 Connecticut will never become--or is unlikely to become
6 effective.

7 Bridget: Right well--

8 Senator Sears: Or because they're a bigger state.

9 Bridget: I wouldn't say because they're a bigger state. I mean
10 if industry doesn't want to put these labels on, and they want
11 to fight this legally. If it's gonna take effect in a state,
12 they're gonna have to litigate, because otherwise they're gonna
13 have to start putting labels on their products. And their
14 argument against putting them on is gonna be weakened. But the
15 legal doctrine that's at play is ripeness, it's called ripeness.

16 Is a parties claim that they're gonna have to face the burden.
17 Is it close enough, is it concrete enough, is it imminent
18 enough, that a court would hear their dispute. And I think in
19 Connecticut--

20 Senator Sears: Well in Connecticut it's not all the imminent.

21 Bridget: It's not all that imminent because clearly you need
22 New York to do something, and it's not down the road.

23 Senator Sears: That's for real, yeah.

24 Senator Ashe: I'd like to ask you to put this particular issue
25 in context of other legislation. So you've given a few examples

1 of past legislation which wound up going through the courts.
2 And because this bill has become a priority and has gotten to
3 this point, through the House, through a Senate Committee, and
4 here. We're talking about what it would cost to defend a
5 lawsuit in this case. I wonder if the attorney generals office
6 believes there are any other pieces of legislation this year
7 that are moving through the process that appear to have a chance
8 of passing that will fair a good chance of being subject to a
9 lawsuit.

10 Bridget: Unfortunately I can't--

11 Senator Ashe: I'll give an example, we have a bill, it's not in
12 the Senate Finance Committee, it's called the toxics--toxins
13 bill, I don't know which it's called. But it's a bill that
14 would create a new framework by which certain chemicals that are
15 identified in some rank order of how bad they might be to ones
16 health, would have to be put on a list. And the producer of
17 those products would have to communicate that these products are
18 in there, and deal with it. Which is not so dissimilar than the
19 labeling requirement in this regard. And I--because all the
20 attention is--you know we always--we look at shiny objects
21 around here. That's not a shiny object, but should it be?

22 Bridget: The toxins bill. So I'm really not familiar with the
23 toxins bill, I think my colleague Elliot Burg has been
24 testifying on that bill--so I--I just can't compare this one to
25 that. I mean I think what I can say about this bill is my

1 understanding from testimony that I've heard through--as it's
2 worked it's way through is that this would require a label on
3 seventy or eighty percent of the food sold in grocery stores.
4 So that the scope of the requirement, the entities that it's
5 going to effect, it's very large. The number of possible
6 plaintiffs is significant. So if you're weighing the risk that
7 someone's gonna want to litigate, there's a lot of possible
8 litigants. If you're in a world of couple of manufacturers of a
9 very specific chemical that may be OK with putting the label on
10 it, that may be a different calculus. But that's not specific,
11 I don't know.

12 Senator Ashe: If you could escalate, if you could escalate to
13 explain whether he thinks there's a linkage, it would be helpful
14 for me. I actually don't--

15 Bridget: Sure.

16 Senator Sears: I may actually move to have that bill taken into
17 [INDISCERNIBLE 00:46:00]. Assuming it gets out of
18 [INDISCERNIBLE 00:46:06]. That's a good question senator.

19 Senator White: Senator Sears.

20 Senator Sears: Yes, let's not talk about that bill right now.

21 Senator White: No I'm not going to. I would like to ask a
22 question.

23 Senator Ashe: Well just I I could--If I could finish--

24 Senator Sears: You want to talk about that bill.

25 Senator White: No I don't want to talk about that bill, I want

1 to ask her a question.

2 Senator Ashe: I'd just like to finish the though--just real
3 quick if I may, which is, if some are contemplating establishing
4 a fund, I do think it's important that--it might not be a fund
5 for one piece of legislation. It might be necessary. We pass
6 legislation all the time that could be subject to lawsuits
7 and--the question asked, you know, at what risk level do we
8 decide we need to have the appropriation to defend ourselves.

9 Senator Sears: When we know there's gonna be a suit. And there
10 will be on this bill. There will be a suit on this bill, I
11 would--I haven't played the lottery lately, but I think it would
12 be a good idea to--you know you could wager, I don't know what
13 the [INDISCERNIBLE 00:47:00] but it would be huge.

14 Senator White: When people are awarded attorneys fees. Is it
15 what they've actually spent on the attorneys fees, or is it kind
16 of a reasonable amount. I mean I'm thinking for example if
17 Entergy and [INDISCERNIBLE 00:47:25] you're gonna hire attorneys
18 that cost a lot more than any attorney in Vermont is ever gonna
19 make, probably in their lifetime, and those guys are gonna make
20 more per hour. So is it a reasonable amount, or is it what
21 they've actually spent, or does that vary.

22 Bridget: I mean they're are a lot of issues around litigating
23 attorneys fees. So the standard is a reasonable attorneys fee,
24 but the courts have construed that--so a couple of the
25 [INDISCERNIBLE 00:47:55] considerations are, you do generally

1 start with the presumption that you would be paying the market
2 rate of an attorney in the market, where the litigation took
3 place. So you have the state--and you know we've litigated this
4 issue before they should start with Vermont rates. And there's
5 no entitlement for example to New York rates. But parties can
6 overcome that presumption, by showing that they needed
7 particular specialized practitioners, or had some reason for
8 paying more for firms. And those are some of the reasons that
9 numbers that start at eight million, end up at four million,
10 because the state, you know, is litigating and pressing those
11 issues to bring those numbers down.

12 Senator White: I see, OK, that's how you get there, OK.

13 Bridget: On the question of the fund, I was understanding that
14 the issue of possibly having a defense fund that would be funded
15 by private money was being floated, and I spoke to the attorney
16 general about that, and he asked me to convey his views on that
17 point today. And also to say that if that issue continues to
18 come up, he's happy to speak to the committee personally, or to
19 any committee personally on that topic. When the Entergy
20 litigation began, the idea was floated of funding the states
21 defense partially through contributions of private money from
22 outside persons. And the attorney general expressed concerns
23 then, that doing that would set a bad precedent, and questioned
24 whether going forward the legislature would be enacting statutes
25 that would only be defended if people were willing to pay for

1 their defense. In the attorney generals view, making this law,
2 or any laws effective date contingent on contributions of
3 private money from outside sources is bad public policy. And he
4 would oppose that. If the legislature, you know believed the
5 law to be in the public interest, and to peruse that interest,
6 although litigation is possible, the costs should be assumed by
7 the state. Anyone is free to contribute money to the general
8 fund, and you know people can do that. But to make the
9 effective date of the law contingent on contributions coming in,
10 is troubling precedent.

11 Senator Sears: Can we have a letter on that from the attorney
12 general. I don't need to have him in but it would be helpful to
13 have a letter stating that. Or if he wants to come in and state
14 it, that's fine. I mean it does--quite frankly it boxes us in.
15 It boxes us in because to put a trigger on the bill, like
16 Connecticut, people are not dumb, they know what we've done is
17 to avoid the issue. So--you know because we know that New York
18 is unlikely to pass such a bill. If we pass the bill without
19 any kind of defense fund or any kind of appropriation, then
20 we're ignoring the fact that we're very likely to be sued. And
21 your testimony that it's gonna cost us upwards of five to ten
22 million dollars. If we don't appropriate the money for the
23 attorney general, then we're in this box of never never land
24 believing that, you know, bring it on, I heard the comments in
25 the House, from some of the House members who were debating the

1 bill. Bring on Monsanto, bring him on. But then when push
2 comes to shove, and we cut five million dollars from some
3 program, people are not gonna be happy about that. And so this
4 is the box that this committee is in. We're the last step
5 before this bill gets out of the legislature, or gets to the
6 senate floor and then perhaps the conference committee. So
7 that's the box I feel I'm in. And I feel that box is
8 tightening, and tightening, and tightening on this committee,
9 and so I would like that--he can come in, or a letter would be
10 helpful. So that we all understand the box we're in. And I can
11 tell you that the appropriate--you know if we don't put in a
12 special defense fund, then I'm gonna ask for an appropriation in
13 here. Which would send the bill to the appropriations
14 committee, then they become the last step.

15 Senator White: Could I make a comment.

16 Senator Sears: Yeah.

17 Senator White: I actually agree with the attorney general on
18 this one. And I think that presen--"

19 Senator Sears: Well what box would you like to be in.

20 Senator White: Just--I think that this is--the precedent we're
21 setting here is not only that we're afraid to pass legislation
22 that we think is philosophically and morally right to pass,
23 unless we have a fund for it. But what we're doing, it seems to
24 me is, we will end up passing legislation that can have the
25 backing of wealthy people. Because poor people aren't going to

1 able to--if we passed a piece of legislation that's gonna be
2 challenged by somebody, and the beneficiaries of that are--tend
3 not to have a lot of money, we won't get a defense fund. But if
4 the beneficiaries of the piece of legislation are wealthy, we'll
5 get a defense fund. So I think that it's going down a dangerous
6 path that way too, in addition to--

7 Senator Sears: Well thank you--well what would you like to do
8 then.

9 Senator White: I don't know I haven't made that decision, but
10 I'm just saying that I think that--

11 Senator Sears: Well, I mean you're going to have to make that
12 decision.

13 Senator White: I know I will. And I'm happy to--

14 Senator Sears: Well then what would you like to cut. I guess
15 that's my question senator.

16 Senator White: I'm not sure that--I would like to hear from the
17 attorney generals office about how much income they've generated
18 from winning suits.

19 Senator Sears: Well we spend that.

20 Senator White: We do spend it, but I think that if we decide
21 this is the morally right thing to do, then we take a chance on
22 it, and--we stand to be challenged on many things, and I don't
23 think we should--anyway that's--

24 Senator White: Thank you so much. It was very helpful.

25 Senator White: Thank you.