

Class III misdemeanor, a five hundred dollar fine or three months in jail maximum as a practical matter, it would be less than that on a first offense, considerably less, but at any rate it is the same both for the consumer and for the operator of the station. We treat them alike but we do make it more severe for the operator of the station so do with this what you will but I wanted to be sure you were clear on what the committee amendments do right now. Thank you.

SENATOR NICHOL: Senator Wesely, did you wish to speak to the Hefner amendment? Is there anyone else who wishes to speak to the Hefner amendment? Senator Hoagland.

SENATOR HOAGLAND: I would just like to make a couple brief remarks to the Hefner amendment. It seems to me that the hearing we had before the Public Works Committee showed that there was considerable abuse on the part of some inspectors in terms of issuing false certificates and I wonder if Senator Hefner would be agreeable to making a second offense a Class III misdemeanor with respect to the inspector. Senator Hefner, may I address a question to you? I wonder if he would yield.

SENATOR NICHOL: Senator Hefner, would you respond, please?

SENATOR HOAGLAND: I wonder if you would be agreeable to a refinement inasmuch as many of the problems with the inspection system have to do with inspectors, filling stations that are not complying with the law in good faith. I wonder if you would agree to having at least a second offense conviction by a filling station owner or employee be a Class III misdemeanor if you don't want to make a first offense conviction a Class III misdemeanor?

SENATOR HEFNER: Senator Hoagland, I think I would go along with that but I just think we should take out the prison sentence on the first offense.

SENATOR HOAGLAND: For the inspector.

SENATOR HEFNER: For the inspector, yes.

SENATOR HOAGLAND: And I think as far as the consumer is concerned it does make sense to make that a Class IV misdemeanor but if we do have these inspectors around the state who are not complying with the law in good faith, I think maybe that would be appropriate.

SENATOR HEFNER: Especially after they have been caught the first time.