

not avoid responsibility for a cleanup by transferring title or by insurance. However, a responsible person may insure for coverage to pay the person for the liability of cleanup and that is one of the things we are trying to do with this bill. Section 16 states that other requirements of law on the owner or operator of a tank are not altered by the Petroleum Release Remedial Action Act. It also states that payment from the act's fund will not be allowed to compensate a third party for bodily injury or property damage resulting from a release. Section 18, the Environmental Control Council is given the authority to adopt the rules and regs. Section 19 creates the Petroleum Release Remedial Action Cash Fund to receive fees and pay a responsible party for part of the remedial action expenses. Section 20 requires owners of underground tanks to pay a fee of \$100 on or before August 1st of 1989 and to pay \$25 per year thereafter on or before each January 1st, and you heard that Senator Lamb has raised a question about this portion of the bill, and he is correct, and he has some justifiable concerns there, and we will attempt to try to work on those concerns of Senator Lamb's and to attempt to try to resolve them and, hopefully, make the bill workable in this area. Section 21 causes a fee of 3/10th of one cent per gallon to be paid on gasoline and 1/10th of a cent per gallon to be paid on diesel and other fuels beginning October 1st of 1989 by the first distributor, importer, or refiner who sells, uses or distributes petroleum in the state. Section 22 causes a fee as set forth in Section 21 to be collected until the fund reaches \$10 million and then the fee is stopped until the fund drops to \$8 million when the collection again resumes. There have been some senators who have questioned whether or not we need a \$10 million fund, and, in fact, there is an amendment, I believe, being prepared to drop that maximum fund to 5 million and to have it allowed to be depleted to 2 1/2 or 3 million, when it then again kicks in the collection feature to build it back up again. I want to point out that for those of you who are really going to become concerned about the soundness of fund, and someone asked me, is the fund actuarially sound? Want to emphasize that this is not an insurance fund, this is not an insurance fund, and I will tell you again, it is not designed to be actuarially sound. It is a unique fund in the fact that those of us who pay the tax do not directly benefit from the tax. In other words, we all will be paying that tax, in many cases, but the fund will be distributed to the entities who own the institutions, the facilities, where there will need to be remedial action taken, and so I want to point out, it is not an