

railroads and others help to provide the fund and do, in fact, provide most of the fund to protect the petroleum marketing industry and we felt that there is some logical reasons for that because as we know, that if we do not do this, there may well be areas where there will not be fuel stations available to many of us, and, in fact, it will probably mean a minimal number of those stations available in many parts of the state. But I have a little difficulty, I have severe difficulty opposing the Warner amendment because we are saying that from this point forward the state recognizes there is a problem and, therefore, from this point forward we will assist in the cleanup of that problem. Now the state didn't recognize the problem until January of 1989, in fact, it was after that. As you well know, we had a tremendous amount of difficulty getting this bill put together. Whose is the greater responsibility? Is it the responsibility of the individual operator who had a problem and discovered the problem back in '86 or '87, or is it my responsibility as chairman of the committee for not having recognized it sooner? Is it the responsibility of the industry? Is it the responsibility of the Department of Environmental Control for not having recognized the problem earlier and called it to the attention of the Legislature so that remedial action could have taken place? I understand very, very much why we want to have a retroactive clause, and one of the questions that you can ask logically is, where do you draw the line? Senator Landis has said if you do this, you begin with an obligated balance against an insolvent fund. I want to emphasize that this is not an insurance fund. It was never intended by the committee nor anyone else that we create a form of insurance. This is a fund designed to provide for assistance in cleanup. One of the reasons why we decided to try to cut down the size of the fund is because of the natural inclination to go for the deep pocket theory, the more money available, the more profit you're going to have, the more the cost will be for cleanup, et cetera. So it is not an insurance fund and I don't think it's really fair to speak about insolvency of the fund. We make a commitment, we will carry out...

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: ...we will carry out that commitment, and if necessary, we will then perhaps even increase the size of that checkoff if necessary. I hate to use the word checkoff but we will increase the use of that fund, or increase the size of that if necessary to cover the obligations. So at this point in