

their original three-tenths and one-tenth funding level. The thought behind this, as it came to us from the groups affected, was that there may be time when we need to get access to funds quickly, and by doubling these fees we increase the dollars quickly and get up to our \$3 million level, and then that shuts the fund back off and we go back down to the original level. It's somewhat complicated but, as I said, it's a triggering mechanism, sort of a turning on the spout, turning it off as far as the collection of the tax. And, finally, it allows the department to reduce reimbursements after considering several different items. The extent and the reasons of noncompliance, the environmental impact of noncompliance, and if noncompliance was negligent, knowing or willful by the marketer, in those cases the fund could be shut off. But, as I said, it's a complicated bill. It is, as I said, supported by, I think, most all the groups. There is some concern about the issue of third party liability, whether third party liability insurance is available. That is something I don't have a handle on, to be honest with you. But what we're trying to do is, as you would note of this program, we're talking about a program that is, basically, an insurance program for the marketers. Now they are responsible for the first \$25,000 of cleanup. That comes right out of their pocket. After that, then the funds from this Petroleum Release Action Fund will kick in. And they can then receive benefits from...it's almost like they have a \$25,000 deductible to meet first, and then whatever additional funds will come from this funding mechanism. So it is designed to help the marketers stay in business, obviously. We did have some discussion from Senator Schmit as to whether that \$25,000 deductible was fair considering you have very large marketers in Nebraska where \$25,000 coming out of their own pocket would not mean that much. But you also have some very small mom and pop kind of marketers out there who \$25,000 may put them right out of business. And so I don't know how we're going to deal with that. I talked to a few of the folks on the floor this morning, and they've indicated they'd like to take a look at that.

SPEAKER BAACK: One minute.

SENATOR R. JOHNSON: And I think we could look at that on Select File as a way of maybe setting up a ladder, a tier on volume, or gallons, or whatever. But that's a difficult one for us to get a handle on. But, as I said, the program is designed to try and keep our marketers out there, that if a release would happen, they have an insurance program here supported by the state that