

down. And Senator Lamb was right, the aboveground people don't...do not pay, the aboveground tanks do not pay into the fund, yet they can collect from the fund. And, Senator, I've noticed some of my gas stations are going to aboveground tanks. But I would also guess that some day in the future here the feds are going to start talking about aboveground tanks also. I just can't see them letting something like that go without addressing it. But I think, again, it's a tough, confusing picture on who wins and how much they win, and how much it costs them to win, but it's something we need to do. And I'd urge you to defeat Senator Lamb's amendment at this time, and let's continue to look at options to help the smaller people out, if we can come up with anything, and yet maintain a viable fund that can be approved by the Environmental Protection Agency. Thank you.

SPEAKER BAACK: Thank you, Senator Morrissey. Senator Schmit, did you wish to discuss the Lamb amendment?

SENATOR SCHMIT: Mr. President and members, I don't believe that it's ever been stated just very frankly and honestly on this floor, and it's probably my fault, but this is a peculiar type of clean-up fund. It is a clean-up fund which is financed, basically and principally, by the consumer of the product, the consumer of the product; you, I, everyone who drives a vehicle has taken the bulk of the responsibility for the cleanup. Now the only real contribution that the purveyor of the product pays is a tank fee. If anyone has any illusion as to why the railroads are included in there, go back and read the bills over the last several years. There is only one reason they have the railroads in, they are a major contributor to the fund. They are totally willing, absolutely totally willing to self-insure, to take care of their own losses. If they have a loss, they'll pay, they'll clean it up and do it themselves. But we have generously included them because they are large consumers of diesel fuel and because they make a substantial contribution to the fund. An average farmer pays far more into the fund than does the average station owner. The bill is rife with inequities, and I know that, and I talked about it last year, or two years ago. I said I wish I could take my name off the bill. And I'm not critical of Senator Johnson in any way, because he has really struggled very seriously to try to bring some sense and order to this. But we still have some major problems. And I think that Senator Lamb has pointed out one of those problems, and I support his amendment. I don't know if it's going to have any votes or not, but I think it's time we recognize that if we