

SENATOR R. JOHNSON: Yes.

SENATOR SMITH: Senator Johnson, I just want you to know that it's not that I'm voting against this concept because, as a member of the committee, I felt this was very important when I was in that committee last year and this is something that we do need. But I am worried about the Beutler amendment and the way it could be interpreted. With this amendment, do you believe that we can... that, ultimately, it could be the closing of some of our smaller businesses in rural Nebraska?

SENATOR R. JOHNSON: Well, Senator...

SENATOR SMITH: If this goes into... I mean, because this has not been added to the bill where you have the fee but you also now say, by this amendment, you increase that fee by 5 percent for four years from '94 to '99, and then after '99, you increase forever, basically, because you say thereafter 10 percent every year.

SENATOR R. JOHNSON: Senator, I don't know if I'm qualified to answer whether certain businesses will be put out of business by paying the additional fee. I'm sure, in theory, it will have an impact on some very small operators because many gas stations probably have at least three to five tanks, the smaller ones, the larger petroleum marketers maybe much... many more tanks but, you know, yes, it probably would have an impact. Whether it would put anybody... anyone out of business, I couldn't answer that, Senator.

SENATOR SMITH: Senator Johnson, is there any... do we show any differentiation between size when we impose this fee?

SENATOR R. JOHNSON: No.

SENATOR SMITH: Was that not taken into consideration...

SENATOR R. JOHNSON: Well, Senator...

SENATOR SMITH: ...and why not if it wasn't?

SENATOR R. JOHNSON: Well, Senator, tanks under 1,100 gallons do not have to be registered.

SENATOR SMITH: And so the really small ones then would not be