

outline my thoughts. This system seeks to create a form of shared obligation between taxpayers and tank owners to underwrite the cost of underground storage tank leaks. And there is a commercial line of, or more, of insurance available now in the marketplace, to my understanding. I also know that there are some tankholders who own and have insurance policies on their tanks. To the extent that 409 passes and replaces the admittedly unacceptable situation that we presently have, but sweeps away the market for underground storage tank leaks, sweeps away existing private transactions and enterprise in the sale of this kind of insurance, and replaces it with a system of state authored insurance, we will be foreclosing two things; first, the private sector from selling a legitimate product which is now on the market to people who want to buy it; and, secondly, as we have the argument around the Wehrbein and Beutler controversy, we will have a funding system that does not distinguish between those who are capable of paying and those who are incapable of paying. We will be shifting this to a social cost and in so doing we will, it seems to me, stop the sale of private insurance in this area and, not only that, we will shift away from people who are able to pay, who now purchase insurance and who probably bear a responsibility, we will shift away from them to society at large to pay for these kinds of costs. I'd like to know if Senator Johnson would respond to a question, and the question that I pose to him is this. On what theory does 409 proceed that justifies basically the bringing to an end of the private insurance market for tank coverage? And, secondly, on what justification does 409 proceed when there is no distinguishing, as far as I can tell, between the ability to pay of tankholders and their obligation, it seems to me, to share in costs which they might be able to afford to bear, but which...but they will be relieved of basically by the passage of 409?

SPEAKER BAACK: Senator Rod Johnson, would you respond.

SENATOR R. JOHNSON: Mr. Speaker, I will try and answer as best I can. The Natural Resources Committee talked at extensive length of the issue of insurance, and if insurance is or...is available to the marketers of this state, both for cleanup and for third party liability. And we struggled with that question, and eventually came to the conclusion that we were not sure if, in fact, there is legitimate insurance out there at affordable cost to the marketer in order to insure themselves or protect themselves from a release or from a third party that might be