

if we're going to back this whole thing back up, it would start to occur to me that ability to provide the funds ought to be...could at least be a better factor than just simple adjustment of dollar amount, because the dollar amount is still going to not fit, in some cases. And maybe even a more logical approach is to pick a date where the...where the state or consumers essentially have virtually all the responsibility, because people who currently own the property had absolutely no responsibility at the time that the leakage may have occurred. So I guess I'm just throwing some things out for your reaction. I don't have an amendment that would do any of those things, and maybe it's not even feasible. But it would seem to me that an arbitrary dollar amount does not address the issue necessarily, other than the smaller is less damaging, obviously, to someone with limited means. But it doesn't really address the issue that you're talking about, which is essentially one of ability to pay. And in some cases that ability to pay, no matter how small, may not be there.

PRESIDENT MOUL: Thank you, Senator Warner. Senator Schmit.

SENATOR SCHMIT: Yes, Madam President. I'll just comment briefly. I think Senator Warner has touched upon a very important fact, and that is, as he has outlined, the ability to pay ought to be a factor in this instance. And I think that we ought to maybe take a look at it. The proposal that I originally offered did not have any particular magic to it. It was just a recognition of facts that existed by virtue of many small operators being placed in the position of almost bankruptcy because they discovered a situation which they never had any knowledge of prior to the time that the underground tank bill was passed into law. I want to just suggest one more thing, and Senator Warner again touched upon that, and that is the fact that in some instances the state must take over all of the costs because of lack of financial responsibility in some cases. You do not know if it could have been done in this particular instance, since there was a joint tenancy situation involved. But I would assume that if I were an heir, or possible heir to a service station today, and someone wanted to give me one in their will, I would just as soon reject that, that very gracious offer, because the obligation could well be more expensive than the value of the cleaned up property. So I think we will see in the future, as time develops and the public becomes more aware of what is happening, that individuals will become astute and, in fact, the owner of a station or any other