

you.

PRESIDENT MOUL: Thank you, Senator Morrissey. Does anyone else wish to speak to this amendment? Seeing none, would you like to close, Senator Johnson?

SENATOR R. JOHNSON: Thank you, Madam President. Now that we're all thoroughly confused, I'll try and clarify what we are trying to do, and that is to assist the small operator by allowing their exposure not to be up front, 15,000 right off the bat as remediation takes place, but rather doing 5,000 up front, and then the remaining 10,000 with a 25-75 split. As I say, it's very difficult to draft law around the worst case scenario. Maybe we should be doing more of that, but it is difficult when you deal with all these hypotheticals. And a lot of times, in this case, we don't have a lot of information about this one particular case we've talked about. But, nonetheless, the point I'd like to make is that we are doing something that I think is responsible. We're saying that the petroleum marketer out there has to be responsible for some of this insurance liability that they're getting through this program. We're also accomplishing what I think is the most significant goal of this program, and that is to protect our environment from petroleum releases. And when releases do occur, we have a fund that is available that they can go to and bring about cleanup as quickly as possible. The issue of ability to pay is a difficult one. Primarily, as I sat here and listened to that, I was sitting here wondering who would be responsible for determining who has the ability to pay. And at what level do we determine that these people have the ability to pay, but these don't. And, as I said, finally we have to also take a look at the risk that we place in exposing the fund to greater liabilities, or greater dollars that are going to be coming out of the fund to support any cleanup. I guess I want a good combination of those operators out there contributing some, as well as the fund picking up, even under this case, the lion's share of the program. So I think it's a fair compromise, hopefully, and one that, as I said, we hope that will pass today. I think it's a responsible piece of legislation.

PRESIDENT MOUL: Thank you, Senator Johnson. We will now vote on the Johnson amendment. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Madam President, on the adoption of