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back. But then I think we ought to add that the sufficiency, excess, or insufficiency of the fund is a part of the statutory criteria for determining what the charge is going to be in the future. So if you had what you call the windfall by reason of the surcharge one year, and the claims didn't exhaust the fund, and the fund continued to accumulate, that's been one of my arguments, in the times when I've tried to raise the cap, that there was sufficient money in the fund, that there was no reason to be...to not more adequately compensate people, if they got a larger award through due process.

SENATOR CHAMBERS: And Senator Brashear, I need to converse with you a bit longer, and I'm going to tie it into another bill, an atrocious bill, that was before us the other day. Let's say that the surcharge were assessed, the money went into the fund, it ballooned the amount in the fund, and a determination was made based on that increased amount that the premium would be lowered. That would be the only way that a physician would be required to pay less, isn't it, by lowering the amount of the premium that would have to be paid, and at the same time the amount that would be paid into this fund by the physician?

SENATOR BRASHEAR: I believe that's correct, Senator Chambers.

SENATOR CHAMBERS: We had a situation related to the unemployment compensation fund where money was building up, and the employers were able to persuade the Legislature to reduce the amount of premium that they had to pay. And as a result of that reduction, money began to be less, in terms of the amount going into that fund, and we had a bill brought to us to, in effect, reduce the amount of benefits paid to unemployed people. Could a lesson from that experience be the following: A certain period of time, in terms of years, should be allowed to elapse before there is a reduction in the premiums required to be paid by physicians? Or do you think that the very next time that premiums are due a reduction should be made?

SENATOR BRASHEAR: I don't think we can say either absolutely, Senator Chambers. I think that all of the factors have to be and ought to be taken into account, and the premium ought to be set appropriately.