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that if we are going to move to this more strict standard of a felony...

PRESIDENT MOUL: One minute.

SPEAKER BAACK: ...that you...that to have a felony provision in law, you have to have this intent language also because to be a felony you have to prove that they intended to do it. It cannot just be a negligent act. You have to prove that it was an intentional act to be a felony.

SENATOR DIERKS: Okay, thank you.

PRESIDENT MOUL: Thank you, Senator Dierks. Senator Hefner.

SENATOR HEFNER: Madam President and members of the body, I have a question for Senator Baack.

SPEAKER BAACK: Yes.

SENATOR HEFNER: Senator Baack, in your amendment it says the new section shall insert, felony for any knowing and willing...or willful violation shall upon conviction thereof be punished by a fine of not more than \$10,000 per day for each violation. Isn't that a little excessive?

SPEAKER BAACK: That's what...that's what the standard is right now in the law. The law is that right now but it calls it a misdemeanor rather than a felony. I mean, that's what our standard is right now for each day, it is that kind of a violation.

SENATOR HEFNER: Okay. Well, would we have to have that much of a penalty?

SPEAKER BAACK: I...

SENATOR HEFNER: Does federal law dictate to us that we do this or are we just doing it by state law, or...?

SPEAKER BAACK: Senator Hefner, I know these changes were brought to us by the EPA. If you will give me a minute, I will go back and check whether we have to meet that exact standard. You know, we have a person from the department here that can...that can tell me that. I will go find out for you.