

ordered because I think it has to be done this year.

SENATOR MORRISSEY: And I've been talking to Senator Kristensen a little bit and the problem that I have is also the willful and knowing. One of the lesser standards in the bill is willful and negligent and that makes me much more comfortable. But in talking to committee counsel, I guess negligence can be used in a felony. But yet we have...we are setting up a situation here where if a person were negligent and allowed massive pollution of water or air that we couldn't prosecute. They wouldn't be fined unless you could prove the higher standard, in my opinion, of willful or knowing. And it's my understanding, from committee counsel, that we can't do that. It seems a little confusing to me that we have to raise our standards to felony to be in compliance with the EPA but yet, in my opinion, we're giving a lesser standard by not also including negligence and that we also can't do that to raise the fund. That's a little confusing and I'm going to try and look into it a little more but since...since we do the knowing and willful, does that in any way, and maybe I should ask an attorney, but I will ask you first, does that in any way go on towards liability of clean-up then? Or does it just...is it just directed at the fine?

SPEAKER BAACK: Senator Morrissey, I don't know whether it does or not, whether that...Senator Kristensen.

PRESIDENT MOUL: Senator Kristensen.

SENATOR MORRISSEY: Senator Kristensen,...

SENATOR KRISTENSEN: Yes.

SENATOR MORRISSEY: ...now since we've put the knowing and willful in there, which makes me uncomfortable, although I've been told that you basically have to do it, does...since it's...if it's not knowing and willful and someone has a large contamination of water or air, they won't be fined if we can't prove knowing and willful but does that move on towards liability then in any way on clean-up?

SENATOR KRISTENSEN: Right. Remember, there are two different...two different sets of laws here. One is the civil laws. Civil laws are damages that you do towards an individual or a group of individuals. You contaminated a pond, you contaminated their water, they got sick because of that or their