

actually delegate that authority but if there is any problems, the flexibility that is allowed by making it optional would be there for him to hold over the head of the local authority to make sure they enforce the law properly. So I don't know if it makes a whole lot of difference but I think it might be helpful to the Fire Marshal and probably would still provide for the local control that we all desire. So, I think it makes sense to adopt it at this time and see perhaps what the reaction is later.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President, members, at the present time I will have to oppose it and for this reason. I would like and maybe on Select File I could go along with it but it seems to me that unless we make it very definite as to who is responsible this may not be implemented. Because, if it is "may" the Fire Marshal's office may not deem it necessary to implement the bill. If we say "shall" he is going to work with the volunteer departments, the fire departments, the paid fire departments across the state and they are going to do a lot, in fact, the majority, most of the implementation of this. By making it "shall" we are pinpointing the responsibility of the implementation. So I would have to oppose it at the present time.

SENATOR CLARK: Is there any further discussion on the amendment? Senator Vickers, do you want to talk on the amendment? Do you want to close? Go ahead.

SENATOR VICKERS: Thank you Mr. Speaker. Mr. President, members, I understand Senator Cope's concern, but it seems to me again that if we are giving the Fire Marshal the job as it says in the first part of this same section, it says the State Fire Marshal shall adopt and promulgate rules and regulations for the administration of this act. If we are going to tell him you shall adopt the rules and regulations and promulgate the rules for this act, then it seems to me that we should tell him that you may delegate this responsibility to the local people. But it seems wrong somehow to me to say that you shall delegate that responsibility. I have got nothing wrong with the delegation of authority if it is a permissive thing. If the state is going to allow the local subdivisions or the local appropriate officials to carry out the regulations imposed by the State Fire Marshal's office. That is one