

permissive as far as the Standing Committees go. With that, I would encourage the advancement of the bill as amended.

PRESIDENT MOUL: Thank you, Senator Coordsen. I will now recognize Senator Schmit, followed by Senator Landis. Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I don't like to belabor the point, but I want to just say again that Mr. Barnett, my good friend, Wally, you should know better, I know you're listening, sent us a memorandum outlining why it was necessary for his agency to enact a rule relative to the removal of underground tanks for public safety purposes. So far, as nearly as I can tell, and I have just about reviewed all eight or nine or ten of these incidents which Wally uses to justify his rule, not a one of them was caused by a backhoe operator. All of them were caused by a cutting torch, or one of them by a saw. Now the least experienced person on this floor knows that if you mix air and gasoline and fire in the right proportions, you're going to get an explosion. You don't need to be licensed as a backhoe operator to learn that. Someone says, what has that got to do with this? Let me tell you, ladies and gentlemen, time after time, as you go back to your constituents, you're going to be faced with a question as to why this business or that business has to do this or that. And you're going to say, well, I don't remember when we passed the bill that it was a part of the statute. And you're going to go back to the statute book and you're going to read it very thoroughly and carefully, and you're going to find it's not a part of the statute. You're going to find that the agency in charge decided, by rule, that the Legislature was not wise enough in the passage of the statute, and therefore they went further and enacted a rule which encumbers the business. Now maybe sometime it's necessary. The most dangerous part of most statutes, as far as I'm concerned, is that section which says the agency may promulgate rules and regulations, ought to be stricken from most statutes because it serves as a breeding ground for active minds and inactive people, and it's a dangerous combination. I do not know if what Senator Coordsen here is proposing is going to limit that, but at least he has sent up a warning signal that there ought to be someone taking a look at it. And I come back again to what I said earlier, sometime ago about former Senator Herb Duis, I believe the Chair of Administrative Rules and Regulations, and they were supposed to supervise the agency rules. Just the existence of that committee stopped an awful