

and look at this continually.

SPEAKER BAACK: Thank you, Senator Smith. Before we proceed, we do have another amendment on the desk, but before we proceed, I would like to introduce some guests of the Legislature. They are guests of Senator Cudaback. We have 32 students from Gibbon High School and they are in the south balcony. Would you please stand and be welcomed by the Legislature. Thank you for being with us. Mr. Clerk, an amendment on the desk.

CLERK: Mr. President, Senator Schmit would move to amend. Senator, I have AM...I have your amendment, Senator, AM0838. (The Schmit amendment appears on pages 1202-04 of the Legislative Journal.)

SPEAKER BAACK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members, one of the principal complaints that I had from the operators, when they discovered they had to replace their tanks, was that the tank had to be removed by a licensed backhoe operator. I asked Mr. Stone, the lobbyist for the petroleum folks, I said, would you read to me in the statute where we placed that in the law, and you know we didn't. He said that is a rule and regulation adopted by the fire marshal. Well, there are some good reasons why the fire marshal is concerned about the manner in which tanks are operated and the removal is proceeded to be handled. But let me just tell you what my banker in Bellwood said about local...about a local backhoe operator. He says, I don't think he can spell license but he can take a cigarette paper off the top of a tank with a backhoe and never scratch the tank. And I think that's true. But, all of a sudden, we created a special category again. And there was, at one time, on the front page of the World-Herald a whole bunch of backhoes, thirty some backhoes bought by one individual because he's in the business of removing and installing tanks. Notwithstanding the fact that virtually every community has its own backhoe operator who has been working around power lines, pipelines and tanks for years, I have no objection if someone is going to take a torch and whack away at a tank that he knows what he's doing. But I think it's wrong that we require, that the fire marshal, by virtue of his rule and regulation, require that a licensed...that a backhoe operator be licensed. It's not necessary. It was not...it was not deemed necessary by this Legislature. Now, the fire marshal did send over to this body a list of accidents,