SENATOR ELMER: Senator Schmit, do you feel that the requirement for reporting then would be adequately performed whether or not we had a licensed backhoe operator out there doing it that was required to make the report?

SENATOR SCHMIT: Senator Owen Elmer, as you well know, the individual operator has got to be responsible for the operation, through their insurance, their own liability, or whatever procedure.

SENATOR ELMER: Then is that...

SENATOR SCHMIT: If, in fact, they do...if something goes wrong, they're stuck. So they have to make that decision. If they're going to hire an incompetent person, then they pay.   It's just that simple.

SENATOR ELMER: Thank you, Senator Schmit. Given this in the record, I see no reason that we would have to go ahead and require that we have this licensed individual do this work.   It would be a lot easier for people to take care of their removal of underground tanks if they didn't have to haul someone in from Lincoln or North Platte or somewhere else that did have the license.   I believe I will support your amendment, Senator Schmit.

SPEAKER BAACK: Thank you, Senator Elmer.   We will now go to Senator Morrissey on...he waives off on the Schmit amendment. Senator Smith waives off.   Senator Rod Johnson waives off. Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body, I only rise to indicate my support for Senator Schmit's amendment. I have, as I'm sure that many of you have, been present when a backhoe operator was working that I was paying for. Licensed or not does not have a great deal to do with the mechanical skills of that person.   I think that we have impacted upon people who are forced to remove or removing a tank simply because they want to be rid of a nuisance and an expense that is not necessary, not justified, and that we can make a positive statement and help those people who wish to comply by adding the Schmit amendment to LB 409.   Thank you.

SPEAKER BAACK: Thank you, Senator Coordsen. Senator Withem, do you wish to address the Schmit amendment?