

Beutler. All those in favor vote aye, opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 5 ayes, 17 nays, Mr. President, on the motion to adopt the amendment.

SPEAKER BAACK: The amendment fails.

CLERK: Senator Withem would move to amend the bill. (See AM1246 on pages 1643-45 of the Legislative Journal.)

SPEAKER BAACK: Senator Withem.

SENATOR WITHEM: Mr. Speaker and members of the body, what you have before you is AM1246. Earlier today as we started session, I began, this afternoon I began an explanation of what we were doing here. The amendment wasn't down. This is the amendment. I think it is a reasonable way of dealing with the conflict that resulted when Senator Schmit's amendment was adopted on General File dealing with the...his amendment would have stricken the or would have made it impossible for the Fire Marshal's Office to have any licensing or certification requirements. And as he explained his rationale for that, his concern was with primarily some constituents who were in the backhoe operating business who were told that they could not work, told I think primarily by contractors, that they could not work on this replacement of tanks, removal of tanks process, because they weren't licensed or certified. I objected to his original amendment because I am concerned about allowing anybody without checking their qualifications to be responsible for this installation and this removal. I think what this amendment does is it, basically, removes the language that Senator Schmit had added to the amendment elsewhere, his language his amendment added to the bill elsewhere, but adds the language "Nothing in this section shall be construed to require a subcontractor working under the direction of a licensed installation or removal contractor to be licensed." In other words, the person responsible for the job, the installer or the removal contractor will have to be licensed, but that individual can hire a subcontractor, such as the backhoe operator and other subcontractors to do work and those subcontractors will not have to be licensed. It deals with my concern that the people responsible for the work have demonstrated some sort of competence in this work but will not exclude from performing backhoe operation, other sorts of things from people who are not the prime contractor but are