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FLOOR DEBATE

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coordinate, and arrive at a conclusion, we should make the carrying out of the function that is going to result in the achievement of the worthwhile goal mandatory, and that's done by using the word "shall." Dropping to line 20, to put this amendment that I'm offering in context: "The state management plan and pesticide management plans may impose progressively more rigorous pesticide management practices as any pesticide demonstrates unreasonable adverse effects on humans or the environment, or is detected in ground water or surface water at increasing fractions of the standards adopted by the Department of Environmental Quality or the Department of Health and Human Services Regulation and Licensure." That is a lot of terminology. Within that terminology are issues being addressed which are of great concern to those of us interested in the public welfare and public health. When a determination has been made that a pesticide is demonstrating unreasonable adverse effects on humans or the environment, including ground water or surface water, we should not allow any entity whose job it is to protect the public health to decide, well, I'm not going to do anything. With this language containing the word "may," that means total discretion is given to whichever agency is to enforce this proposition. Once discretion is given, that discretion may be exercised, and in the case of using the word "may," it can be exercised in such a way as to say nothing is going to be done. And there is no way to compel anything to be done, because the Legislature would be utilizing language which shows that the policy is based on the notion that it is not really necessary that these functions be carried out. What we would have with the word "may" is no more than good advice, a suggestion, a recommendation, but if it is rejected out of hand, there's nothing anybody can do. You would have to find some other provision of law to obtain an injunction if unreasonable adverse effects are befalling human beings or the environment. Don't ask me if such other legislation is on the books, because I don't even want to get the headache that I would have. I would like to make this easy, not only on us but on anybody who administers this law, anybody who looks at this law. Therefore, we should strike the word "may" and replace it with the word "shall." I'm trying to be reasonable this morning, so I'm going to listen to the debate. But I think it is unreasonable to have language which establishes the existence of an adverse effect to