

totally sold on the idea of mandatory, mandating that this one-call system be put in place.

SENATOR KRISTENSEN: No, that's not exactly accurate either. That's the reason I have my light on and on my time was going to explain my...where I'm at as a committee Chair and how I personally feel about it and what role I think the committee played in the Withem amendment. I'm not going to stand up here and try to defeat the Withem amendment.

SENATOR VRTISKA: Let me ask Senator Withem a question then. My concern, obviously, is somewhat the same as what Senator Crosby talked about. We've...being on the county board, we've had lots of experience with calling companies who have buried underground facilities and it has never been a problem that I'm aware of. One of my real...one of the questions I'd like to ask you and one of my real problems with this whole thing has to do with underground rural water lines. You can find metal underground very easily without too much problem. The real area and the concerns that I've had from the operators of the rural water system is that they are difficult to locate and I guess it comes down to who is liable if you go out to try to locate the line, you don't find it and then they dig and it's not exactly where they thought it was and break it, who ends up being responsible?

SENATOR WITHEM: That might...and I don't want to shift this back and forth here and play ping-pong with the questions. The question of who is liable and who isn't under what circumstances, I think the bill says, Senator Kristensen, they paint an 18-inch line and if the facility is within 18 inches of where that line was painted and the excavator hits it, then the excavator is, in fact, responsible. If they said that, look, there is no line here or the line is on this side of the street, it turns out being on the other side of the street, then the excavator is not liable. Is that...and I'm not going to shift time. That's my understanding. Maybe Senator Kristensen can explain it a little more.

SENATOR VRTISKA: Senator Kristensen.

SENATOR KRISTENSEN: Senator Vrtiska, that's roughly...there is two things. If you fail to give notice under the system, then, and you go out and you just say I'm not going to do this and you dig, you're held strictly liable, strictly liable as that system where you don't have to prove that you had a duty to examine