

PRESIDENT MOUL: Would you proceed then.

SENATOR WITHEM: Yeah. I would...would be happy to. This is...this section of the amendment deals with another controversial portion of the bill, but I think it's one that, meetings I sat in on, I do not believe there's a lot of controversy with this particular method of settling the dispute. The original draft of the bill indicated that it is an obligation of the operator. Keep in mind operator in this bill means that individual who is running an underground facility of some type. It is an obligation on that operator's part to...to go out and attempt to locate the facility. However, the original bill said if they can't locate it, then it's incumbent upon the excavator, who's out there with backhoes and other digging devices, planning on building...digging the facility with that equipment, it was incumbent, in the original draft of the bill, for that person to shut off all their power equipment and go out and dig by hand until they find the facility. The way excavators tend to work on these jobs, they will give a fixed price to an owner of a project for connecting a particular utility connection. They would plan for the use of the power equipment. This provision, as originally drafted, would not have allowed them to do that. Basically, it would have allowed the operator of the underground facility to come out, shrug their shoulders, say we don't know where it is, and then have to then proceed with their hand digging, hand uncovering that facility. My original proposal back was to make it incumbent upon the operator to...to actually uncover the facility. Well, the operators came back and said that that wording could make them go out and, by hand, basically complete the project for the excavator. They weren't happy about that. We asked what basically happens where they have one-calls now and they say, in essence, what happens if we can't find it, that the excavator and the operator work together to locate the facility, and it's kind of a joint responsibility. So we tried to create language that would...would make it the two of them working together and, in essence, that's what it does. If, in the opinion of the operator, the precise location of the facility cannot be determined and marked as required, the operator shall provide all pertinent information in field logging...locating assistance to the excavator. It doesn't make it the mandatory obligation of the operator to find it, but they do have an affirmative obligation to be out there and work together, at least that's the intent of the language, and I believe that's the way it