

be careful, if the owner of the property is going to be in then they don't have to take any care, they can just go out and dig until they...I guess what I'm trying to say is it looked to me like if you could put the 20 feet or some such...

PRESIDENT MOUL: Time.

SENATOR VRTISKA: ...into the...into the bill, then it would make sure that if they dug within that area they would not be intruding, and I don't know, that's....

PRESIDENT MOUL: Thank you, Senator Vrtiska. Senator Wehrbein.

SENATOR WEHRBEIN: Yes, Madam Speaker, members, I don't know, Senator Vrtiska, do you want to continue this? I have a question along the same lines, but I'm not sure how to frame it. I guess it would be for you, Senator Kristensen, as Chairman of the committee; if not, Senator Withem. Here again, my concern is the water lines, so you'll know where I'm framing it. If...if we did nothing here today and we continued as we are under present law, and someone was to go dig in Pawnee County, Nebraska, since we're already in Pawnee County, and they dig and have it no...just go out and dig, who's liable for breaks in the line and repairs and damages at this point in time?

SENATOR KRISTENSEN: You're not going to like this answer, because it's going to depend. If there was signage and the excavator had some reasonable knowledge, or some reasonably that there was a water line there and disregarded or didn't go check it out, probably the person doing the excavating or the digging is going to be responsible, because they had a duty, they were put on notice that there was some danger, some water line there, and they didn't live up to their duty and they didn't fulfill it, and thus they're responsible for it.

SENATOR WEHRBEIN: Okay, can I change the question?

SENATOR KRISTENSEN: Sure.

SENATOR WEHRBEIN: Now, assume this is on a landowner that knew he had a line across there, but he neglected and he said, there's a water line about here, but I don't know exactly where it's at, and they didn't bother to...and...but I'm sure it's here. So the excavator digs, now we'll say the excavator does dig, thinking the line was not there, and he hits it.