

need a system where we're going to be able to accommodate the legitimate interests of the telephone company, the gas company, the electrical company, to have their service unimpeded, but also to have those new developments put in when we need those put in. And I don't think it's a terribly bad system. One of the ironies of this would be if the trial attorneys, the Nebraska Association of Trial Attorneys would have brought in a bill that would have taken a category of small business people and imposed a strict liability standard on them, the body would be going nuts, if it were a trial attorney bill imposing a very strict sense of liability on a group of small businessmen. But that's what Section 25 of this bill, in my opinion, does if we don't change it. All of the liability is placed over onto the excavator, none of it is there with the...with the firm...the utility anymore. And if you pass it in its green copy, they aren't even mandated to belong to the one-call center. The liability tends to shift way too far over to the person that is excavating. And the excavator is not just out there because he wants to dig holes in the ground for fun, he's out there because he's doing something that the public has, through its zoning process, through its permitting process, has agreed needs to take place. So I think what I'm proposing that we do is return this a little bit to the point where there is shared liability, there is shared responsibility in determining where that facility is located. So the contractor, yeah, the contractor is not going to go out and just start up that backhoe and start plowing away, not caring what he runs into, because there's some liability in the bill if he does that. By the same token, the utility can't sit back in their office and say, yeah, I think we've got a line out there someplace in the quarter section, between one farm and another, good luck in finding it. I think what this amendment does is it brings it back to a shared responsibility and that's where we should be.

PRESIDENT MOUL: Thank you, Senator Withem. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam President. Real briefly, we've spent some time on liability, and that's really not the direct focus of this portion, I believe, of Senator Withem's amendment. Again, his amendment, this portion goes back to assisting the location and really tries to help those excavators or those companies, particularly probably those companies that don't know the exact location of the line, and if, in their opinion, if they can't find the exact location, they're to at least do their best effort, I think, to help that excavator find