

the area to locate in, to go out and give him some assistance. Seems to me that's what ought to happen anyway. Had that been proposed, I believe, in committee we probably would have made that a part of the committee amendment, as we were more concerned about the width at that point in time and not the assistance of finding it, because, quite frankly, we weren't that aware of the problem of unlocated lines. But I certainly think that this part of the Withem amendment is acceptable. And those that have some concerns about water districts and so on, this would ease that concern. If you want to exempt them out totally, that's probably a more appropriate amendment at some other time. Thank you, Madam President.

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

SENATOR VRTISKA: Thank you, Madam Chair, members of the body. Senator Kristensen, I guess I got one more question I'd like to ask, if you'd yield.

SENATOR KRISTENSEN: Sure.

SENATOR VRTISKA: Would it seem reasonable, because of the discussion we had earlier about problem in trying to find where a line is at, and certainly it isn't because they don't want to do it, it's sometimes very difficult, and if the...both parties do their best and are diligent in their effort to try to find it, and it ends up they don't, do you think it would be reasonable to assume that...or to suggest that both parties share some liability? I just heard Senator Withem say a moment ago about shared liability. Is it reasonable that both parties could then share some of the liability, in case that would...

SENATOR KRISTENSEN: It's shared responsibility to locate. Ultimately, someone is responsible for that. I mean, if the water company wants to provide water, they're responsible for getting their lines in operating condition. What you're probably talking about is some contributory negligence, where they both contributed to the damage. And in that case, it probably will fall...still fall back onto the water system, it's their line.

SENATOR VRTISKA: Well, the only reason I brought it up is because I guess I was trying...and I think I spoke to you or somebody else about it earlier, if both of them know that they