

in fact, a good one. Most other states that have done this have ultimately gone to one-call. I believe we've heard this morning that Iowa has done so, I believe Missouri, very recently, passed one, South Dakota. It really doesn't work if everybody is not participating. There was...Senator Crosby, this morning, brought up questions about etching this in stone. And the actual operation of how the operations will take place are not etched in stone. As a matter of fact, Senator Crosby, page 5, Section 20 of the bill makes reference to the members of the center shall establish the operating procedures and technology. They basically run it. There will be some rules and regs set up by the fire marshal, but they basically will...will, in fact, be running it. The bill does...other parts of the bill do, in fact, make, I think, a major change in the responsibility, maybe I'll use that term instead of liability, because I know we talk liability, it ventures over into lawyer type of discussion, so I'm going to use the word responsibility. The bill itself makes a major change in the shift of responsibility where most of it is now governed by a common law, normal negligence sort of process whereby the contractor who is doing the digging has obligations to...to use all due diligence, but the other side has an obligation to also be helpful and participate. The bill does, in fact, shift a lot of the responsibility for damages and problems over to the excavator. I will continue to do that, even if this amendment is adopted. And...and we're not necessarily touching those provisions of the bill. All we're saying is, in fairness to that excavator, who's picking up additional responsibility here, you ought to at least give that excavator the ease of making...literally making the one-call. One other thing people asked about...talked about this morning, I'll admit I wasn't even up to speed on this, talking about a phase in. I know Senator Schellpeper talked about phasing it in over some time. The bill already has a two-year delay before implementation date. It is, in fact, phased in before we get to mandatory. I don't know how much more of a phase in you'd want, other than a year and a half, or two years, I guess, July of 1995; 15 years, never, or words along that...that fact. So, so I think it already is phased in. I think it just doesn't work if you have some...some utilities that are part of it, some that are not. I would urge you to support this portion of the amendment that would make it mandatory.

PRESIDENT MOUL: Thank you, Senator Withem. Senator Elmer, followed by Senators Vrtiska and Coordsen. Senator Elmer.