

definition that the cost of the loss of the water. It's not my intent to allow for the recovery of damages of product loss but rather all of the cost connected with repairing the damages cost.

SENATOR KRISTENSEN: I would agree with you a hundred percent and that's the reason I used the word "repair". When you said repair the damage, that's the reason we used the word "repair", and...

PRESIDENT MOUL: One minute.

SENATOR KRISTENSEN: ...I appreciate Senator Coordsen's discussion with this because that's the philosophic problem that we had here. Damage, in our definitions, damages was a lot broader than the term "repair". Repair went to replacing the property to put it in the condition that it was prior to the time that it was severed. The water that was there that was needed to be purged would necessarily be a repair because you had to do something to put it back into the condition it was prior to the severance. Damages tends to go those things, those losses that occur as a result of the incident and that's where you get into people suing for loss of telephone service, for loss of gas service, for all these other unrelated events. Telephone companies, gas line companies don't guarantee service. If they did, every time you had an ice storm and they lost service,...

PRESIDENT MOUL: Time.

SENATOR KRISTENSEN: ...the damage that's caused by that would be incredible and they don't cover that. I've got my light on and I'll punch on again.

PRESIDENT MOUL: Thank you, Senator Coordsen. Senator Withem. Senator Withem, you're next.

SENATOR WITHEM: Yes, thank you, Madam Chair. Senator Coordsen, as I understand, the purpose of the 18-inch in the bill is so that when the excavator comes out and it's been identified that this is where the facility is, there is an absolute standard. They know if they dig within that area that is prescribed and they hit a pipe or a line that they have been digging where they should not have and they're liable. If it's 20 inches of three feet away from that and they hit the line then they are not