

says, yeah, we know where it is, it's along this particular line right here, and the contractor knows where it's safe to dig and where it isn't. And the purpose of the 18 inches or half the size of the...or whatever the committee amendment has done to it now is to say that the contractor will know where it's safe to dig and where it isn't. If we strike out this language here, there will be no standard. Again, it will be a matter of contractor has got to have very strict liability, not only for the repairs but also for the damages, but we're taking away...we're adding to his burden with your second amendment...

PRESIDENT MOUL: One minute.

SENATOR WITHEM: ...and we're taking away from the knowledge that he has available to him with the other. I think, again, I can't imagine...I really hope some day we can pare it back what types of liabilities and responsibilities are being placed on small businesses. These folks who are in the utility business, by and large, are not big, wealthy companies. They're usually people who, with a pickup truck and a backhoe trying to make a little bit of living. If you heard a couple years ago, Senator Schmit on an underground storage tank issue was very concerned and accurately described those individuals. Now you're saying to them you're going to take away their ability to locate where the pipe is buried and to know where they can dig safely and when they can't, you're also going to say not only now will they have to pay for the damage they do to the pipe, if they hit it in an area where they don't know whether it's safe to dig or not because we're taking that protection out of the bill,...

PRESIDENT MOUL: Time.

SENATOR WITHEM: ...and then you're saying they have to have liability for all of their damages. I think it's a bad amendment. I would urge you to vote against it.

PRESIDENT MOUL: Thank you, Senator Withem. Senator Abboud. Senator Wehrbein.

SENATOR WEHRBEIN: Yes, Madam Speaker, members, well, taking up from that, Senator, I support Senator Coordsen but I guess the question I have, I understand your dilemma with small business, so it isn't that I'm not sensitive to that. But as I read Section 26, and I'm talking about this case, the damages, and I have an amendment just similar to Senator Coordsen up there,