

mine does say damages suffered by the operator, incurred by the operator, in an attempt to restrict a little bit the damages that Senator Kristensen was questioning about. But it says here, it's an excavator who fails to give notice of an excavation pursuant to Section 23. And so my premise would be that because notice...if notice was given, there would be no liability or responsibility, whichever word you would like to use in this if you support Senator Coordsen's amendment, because notice would have had to have been given. The question really is here since the damages would only come if there was no...there was no notice given. I don't...you don't read it that way? Okay. But, and Senator Coordsen's issue is what I was concerned with too, is that damages made...or repairs. Damages go beyond just simply the cost of repairs, especially in a water loggings issue where they have to purge, be sure they have clean water, those kind of things which would not be technically included in the price of repairs, and that was my concern too, and I support that. If I'm reading this wrong, Senator Withem, you will have your opportunity to correct me.

PRESIDENT MOUL: Thank you, Senator Wehrbein. Senator Coordsen.

SENATOR COORDSEN: Thank you, Madam President, and members of the body, there is and there is and there is and there is my understanding. To get back to the most recent conversation of Senator Wehrbein's, you have to read, I think, the whole bill as written and amended in total context. And while it says an excavator who gives notice and who damages the underground facility shall be libel for the cost of all damages unless the damage to the underground facility is due to the operator's failure to comply with Section 25 of the act. So if the operator of the facility fails to identify in a manner that does, in fact, not identify the correct site, there is no liability on the part of the excavator for any damages done to the line. Therefore, it's really immaterial and redundant language to have the 18 inches, because the responsibility lies with the operator to identify where, in fact, the buried utility is. So if you look at it all in one...as one bill, then everything begins to come together. Now, the question...I would like to ask, on my time, Senator Kristensen a question.

SENATOR KRISTENSEN: Yes.

SENATOR COORDSEN: Yes, if you would, please. And it gets to the use of the word repairs or damages. It is your intent in