

any clearer because we defined everything in there. Where would this exclude this definition? What areas are excluded from this?

SENATOR WICKERSHAM: Well, okay, some areas are clearly defined in terms of having to call, a public street, a road, alley, right-of-way dedicated to the public use, utility easement of record.

SENATOR KRISTENSEN: Okay.

SENATOR WICKERSHAM: Okay, those areas where you do or should have some idea that they exist and if you're within those areas, you have to call.

SENATOR KRISTENSEN: Okay.

SENATOR WICKERSHAM: Okay. The second requirement is in "when necessary to determine proximity to underground facilities". Okay, so I guess that is a bit of a fudge factor in the language but if you have any doubt about where those facilities are, then you better call. The language in the bill, I don't think, gave you any discretion. If you knew exactly where they were on your property and you did not have any concerns at all that you were going to strike those when you dug, but you dug anyway and even if you didn't hit them, I think there was a violation and you could have been subject to the penalties provided in Section 27. Even if you knew...

SENATOR KRISTENSEN: You would have been subject to the liabilities, yes.

SENATOR WICKERSHAM: Yeah.

SENATOR KRISTENSEN: My problem with this is I think it's the same thing, it's just a lot more words in there, things like a private park... a park or something aren't defined in here, does that mean they're excluded from the ability to call? If you have a park, who...

SENATOR WICKERSHAM: I'm not sure why...

SENATOR KRISTENSEN: If you've got an excavator, you're going to dig a water line in a park,...