

you have closing, Senator Wickersham?

SENATOR WICKERSHAM: Thank you, Madam President. I will try to be brief. I know that this bill has already received a considerable amount of attention and I, quite frankly, I think it will receive more attention on Select File, as Senator Kristensen is suggesting. Really, these are just attempts to clarify what I thought were troublesome areas in the bill. I don't know that they make very substantive changes except for the provision that a court can set the civil penalty, taking into account certain factors, and also the provision that states that you're not going to be liable for the civil penalties if you damage your own property. And, of course, the attempt to define in a bright line fashion when you would really need to call even if you knew where the facility was located.

PRESIDENT MOUL: Thank you, Senator Wickersham. We will now vote on the Wickersham amendment to LB 421. All those in favor please vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Madam President, on the adoption of Senator Wickersham's amendment.

PRESIDENT MOUL: The amendment is adopted. Further amendments?

CLERK: Not at this time, Madam President.

PRESIDENT MOUL: Does anyone wish to speak to the bill itself? Senator Elmer.

SENATOR ELMER: Thank you, Mr. Pres...Madam President. I almost slipped there. I would like to discuss a little bit some circumstances that I don't think have been discussed in the debate on this bill. If Senator Kristensen would yield, please.

SENATOR KRISTENSEN: Yes.

SENATOR ELMER: Senator Kristensen, what would be the circumstance where a utility is doing excavation work for its own purposes and it knows certainly that only its own utilities were buried in the area?

SENATOR KRISTENSEN: And it chooses to dig? I think they can do one of two things. I think they can go ahead and dig and not