

give notice to themselves, and then not be subject to strict liability from themselves, and, in effect, run their own risk.

SENATOR ELMER: Okay. The next...

SENATOR KRISTENSEN: I don't think that they would ever be subject to penalty for violation of the act, particularly with some of the last language that Senator Wickersham put in as well.

SENATOR ELMER: Okay. In some circumstances a municipality will be replacing a large section of water main, for example, that goes through a populated area of the city that may take four or five months to complete. In this circumstance, how would this one-call system work? Would the people come out and identify all of the areas that had other utilities buried in it all at the same time? Would there be time constraints and those kinds of things?

SENATOR KRISTENSEN: In the bill there is that if you are required, you're going to give at least two business days' notice that you're going to do it. Then they come out. You can't do that in less than two business days, but you can't do it more than ten days, it says, before commencing the excavation. And the definition...the problem is going to be what is commencing the excavation? Is it the entire project? And then what you do is you take into consideration another part of the bill which talks about how long the markings shall be good for. And the markings shall be done in a matter of for at least five business days on nonpermanent surfaces because that's probably all the paint is going to last, or it's ten days if it's on any permanent surface. So if you're going to be absolutely safe if you're on those permanent surfaces, every ten days you would go ahead and have them mark out a little further or if you know that you're going to work...I mean, if you've got to take into consideration the weather and those other things, you could also have them mark it all at once and then run on your own risk that you've known ahead of time where all those things are. Now, quite frankly, if you've got a four or five-month project, I'm not sure I would do that. I would probably go the ten days, two weeks at a time routine and cover myself that way.

SENATOR ELMER: Could we address possibly the acceptance of more permanent-type markings such as a permanent piece of metal that