

center and notify them that, no, that's not where the facility is, it was someplace else. It's kind of a good citizenship sort of thing to do so that we will get better ideas of where these facilities are located. The way it's now stated though it sounds like the excavator, that they have to get off the tractor, drive to town, call the one-call center and tell them where it is located. That's a bit of an inconvenience. What this amendment does is it says they have 72 hours to make that particular notification. I think this should be fairly noncontroversial. As a matter of fact, I think there's an amendment coming up later on that will even further clarify that this is not part of the, you know, very mandatory violation where a person gets fined \$10,000 a day for not making the notification. I think this is a fairly noncontroversial part of the amendment and would urge you to adopt it.

PRESIDENT MOUL: Thank you, Senator Withem. Does anyone wish to speak to this section of the amendment. Senator Coordsen, would you like to speak?

SENATOR COORDSEN: Yes, Madam President. I would ask whether this section is germane to the committee amendment. Senator Withem, would you like to respond to the question on germaneness?

SENATOR WITHEM: The amendment, as a whole, is most certainly germane to the committee amendment and I don't think simply by dividing this portion out creates any nongermaneness issue. The committee amendment changes the number of sections of the bill, as does this. I don't think...I guess my position would be simply dividing a portion of an amendment that was offered in good faith which is, in fact, a germane amendment, makes the divided portion of it. Frankly, I don't know how you handle an amendment that part of it becomes an amendment to the committee amendment and another part of it is no longer germane. I would question the precedent setting value of a ruling that this is nongermane. We can simply amend anything that we didn't like out of a committee amendment and then argue the germaneness of it, so I don't think the point of nongermaneness has any validity.

PRESIDENT MOUL: Senator Coordsen, I will rule that this particular section which is now a separate amendment is not germane to the committee amendments. Senator Withem.