

SENATOR KRISTENSEN: Well, I kind of figured...(microphone cut off)...what I said, but let me give it a try. You've got your water line, and you're an excavator, you go out and dig, and you go to the Pawnee City Water Company and say, where is your water line? They go, I don't know, we have no idea where it is. If the Withem amendment is adopted, they come out and say, look, here's the only records we have. We don't know for sure but we think there's a line somewhere in this area, but we can't tell you where it's at. And then you dig, you damage the line, so I guess your question is you want to know can the water company sue the excavator for doing that.

SENATOR VRTISKA: No, I want to know who's responsible to help repair the line, I'm not talking about lawsuits, I'm not a lawyer. I'm talking about somebody is going to have to fix it and if there's some contamination in the lines and they have to be flushed out and cleaned out, who's going to...who's responsible?

SENATOR KRISTENSEN: Well, Senator Vrtiska, candidly, I mean, that's the only way you're going to resolve these is somebody's got to be legally responsible, legally liable. And the issue here is if you dig in that line and damage that stuff, you're responsible. Now you've got a great defense because the company doesn't even know where the lines are at, and you'd walk in and say, look, if the company doesn't even know where the lines are at, how in the world should I know where they're at. So you're probably not going to have that much responsibility as an excavator doing that, because if the company doesn't know where the lines are, how could you hold anybody else to that standard?

SENATOR VRTISKA: Well, I guess the problem that I have is that...

SENATOR KRISTENSEN: But you get the water...

SENATOR VRTISKA: ...what you're really telling me is you got to go to court and decide who's going to pay the bill.

SENATOR KRISTENSEN: No, what I'm really telling you is the water company doesn't care enough to know where their lines are at.

SENATOR VRTISKA: It isn't because they don't care, they...