

During this period of time we're also going to have the board coming up. We're going to start working on putting together the system itself. It's not like there's reasons to delay this and so it would be my sense that that is an appropriate date.

SENATOR WITHEM: That would be my sense also that there would be no reason to move back the effective date in this simply by bracketing this. The third point I would make and this is a personal observation, a personal position, but one of the other issues that was of great concern to me with the original draft of 421 was the subject of a shift of liability. Whereas current practice it's kind of a prudent person sort of standard where we judge and make sure that and see if everybody acted prudently. If an individual acted prudently, they probably don't have liability. Bill 421 does in fact shift some liability over to the excavator. In exchange for that, we're putting some provisions, requirements on the operator of underground facilities to provide operational assistance. I'm comfortable with the balance as it exists in the bill. I would become very uncomfortable if the discussions and negotiations and working on the bill over the summer leads to future amendments that add additional liability. There were some of those filed at one time General File over 421 and I would just be hopeful that the industry would limit its discussions to procedural implementations and not deal with additional shifts in liability in the bill, so that will be a third thing I will be looking for. Having said those three things, I think the support ought to be there for the Kristensen amendment and I have no problems with seeing this bill laid over for the summer.

SPEAKER BAACK: Next speaker is Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker and members of the body. LB 421 is my priority bill, and I have been talking to not only the supporters of this bill but the opposition to this bill. I also agree that perhaps that over this interim that agreements can be reached that are going to eliminate any opposition to this bill. And I think that is appropriate and, therefore, I am supporting this amendment first and then I have a motion in hand to bracket LB 421. But I, too, do want to make it very clear that the Legislature set the direction that the one-call notification will be mandatory for all underground facilities and that the operative date will indeed remain the same, January 3, 1995. To those two things I am committed as I know many in this body are. I was convinced by some of the