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something different than above grade?

SENATOR LAMB: Well, I'm not sure that it does.

SENATOR CHAMBERS: All right, let me give an example. Suppose I'm building a stretch of the interstate and I recess it, I'm going to sink it below grade but I still build the highway above ground. It's not a below-ground highway, it's on top of the ground but the ground is below grade. So it can be above ground and yet below grade. Why...who thought that this would be a problem, other than yourself? Because I know you look deeply with a microscope like the rest of us don't on occasion.

SENATOR LAMB: Well, it's...it was not my own amendment but it is...it is a concern of...

SENATOR CHAMBERS: Of whom? Or of "whoms"?

SENATOR LAMB: It's a concern of the facility developers that this is not clear language.

SENATOR CHAMBERS: Well, if there is something in the contract that says preexisting grade, how will what you want in the statute square with what's already in the contract?

SENATOR LAMB: I have no...I have no desire to have anything other than an above-ground facility and this is merely to facilitate the definition of what...

PRESIDENT: One minute.

SENATOR LAMB: ...is above ground.

SENATOR CHAMBERS: But if the contract has the term "preexisting grade level", then why do you want to take the word "existing" out of the statute if preexisting...if the term "preexisting" is in the contract? Why do they want to do that?

SENATOR LAMB: Well, as I explained before, Senator Chambers, above existing grade levels could be determined or could be assumed to be the exact undulating surface that we're talking...that is presently there.

SENATOR CHAMBERS: All right, thank you. Members of the Legislature, I think Senator Lamb is sincere in bringing the