

construction is a pretty clear definition, at least by practice. I am not sure what maintenance refers to.

SENATOR SCHMIT: Well, I think that the maintenance has already been spelled out in the past in the statutes I am sure. I think maintenance would include anything that is necessary, of course, in the upkeep and the operation of the system and normally it is rather a routine thing but it can also, of course, be, I suppose stretched to a point that it might be excessive or beyond that, and if you did that, it could be burdensome to a business. But I don't think it is any big problem, Senator Warner.

SENATOR WARNER: In any respect, do you see this proposed amendment extending the liability of a governmental subdivision when there is road repair? Does this become the basis for a lawsuit?

SENATOR SCHMIT: I think it extends the responsibility, Senator, for them to act reasonably but I don't think it extends the liability.

SENATOR WARNER: One other question, there was a thing passed out that covered a business, as I recall it was by Niobrara. Apparently, after reading the article, the access was changed after construction was completed. Am I correct if I assume that the committee amendment would not have any impact upon that particular situation since the way the article read it was the effect of the new construction and had nothing to do with the short-term construction of the project?

SENATOR SCHMIT: I believe you are correct in that regard, Senator, yes.

SPEAKER NICHOL: Senator DeCamp, then Senator Lundy. Senator Lundy.

SENATOR LUNDY: Mr. President and members, Senator Schmit, I wonder if you would answer a question for me please.

SPEAKER NICHOL: Senator Schmit, would you respond, please.

SENATOR SCHMIT: Yes, Senator.