

SENATOR LUNDY: Going further in the question that Senator Warner brought up to you relative to maintenance, I wonder whether or not in your opinion that it was a maintenance project that closed off Highway 81, a seven mile stretch of it, this last year for a period of I suspect maybe 60 to 90 days and a detour was prepared a mile from that. Now in your opinion, I assume that putting a new wearing surface on Highway 81 was considered a maintenance project and I further would assume then that as you answered Senator Warner that there would be no liability on the part of the State of Nebraska to furnish ingress and egress for that highway, that seven mile stretch of highway, that maybe closed off a couple of service stations or something else during the construction season which might have lasted 60 to 90 days? Would that maintenance contract, in your opinion, would that result in a liability on the part of the State of Nebraska?

SENATOR SCHMIT: I am not an attorney, Senator Lundy, but I would suggest that any business that is closed off for 60 to 90 days, if it were, in fact, closed off like that, would certainly have reasonable reason to complain to the state. I don't know what is considered here to be liability but I can guarantee you that if it were my business that were closed off for that period off time there would be difficulty with the state.

SENATOR LUNDY: Thank you. Just going further, I wonder, Senator Schmit, whether or not it would be...do you have any idea what kind of additional cost would be involved with the passage of this LB 179 to the State of Nebraska for...you and I both know, I am sure, that contractors today, if they have to provide ingress and egress for every business during the period that they are doing construction work, they are going to have to add something to that contract to cover it, am I correct?

SENATOR SCHMIT: Those costs, of course, have to be built into the contract, Senator. There isn't any other way it can be done.

SENATOR LUNDY: And you have no idea what that might amount to?

SENATOR SCHMIT: I don't have any idea, Senator, but I do not believe that you ought to be allowed...that the state