

loss of business, then you have expanded the concept significantly by the adoption of a law that one may have sympathy with but I would have great concern what those consequences could be in terms of cost. I don't know where it would stop. Certainly if there is a road blocked off, even a business not on that right of way itself is going to have or could have some potential loss of business which conceivably could be included under the provisions of statute. And I don't know how, you know how you would project the cost of a project. It is obviously going to be an unknown cost in many cases. Certainly weather could be a factor, it has been pointed out. It would certainly not be controllable. It seems to me that while there can be a great deal of sentiment for the words expressed in the amendment or in the bill as amended, it seems to me that the potential liability could be far expanded, far greater expansion than we have talked about is so great that we shouldn't just enact it without recognizing that real potential. I think the real key is are we in fact expanding general losses to be reimbursable and I think that is significant enough policy that the bill should not be passed, certainly should not be advanced unless that is very clearly defined and we know fully the intent that local governments and the state, but particularly local governments, may incur.

SPEAKER NICHOL: Senator DeCamp.

SENATOR DECAMP: Mr. President, I oppose the kill motion. I would like to address some of the arguments raised by Senator Lundy and Senator Warner. Senator Lundy hammered home the point that the word "reasonable" is an unknown term. It is vague, we don't know what it means, it means different things to different people. I don't know how many lawyers there are here now but I would guess there is a half a dozen in the body. Probably the most standard term in the law is the term "reasonable". Why? Because when all is said and done, if they can't agree, if they absolutely can't agree and you do end up in a court, the court can, under this term, look at all the facts and say what would a "reasonable" man do under these circumstances. It is precisely because it is so often used in law and because it is such a standard term that it is in the bill and why Senator Beutler kept it in his amendment. If you try to say under circumstance A, B, C, D, E, F, G, good example, Initiative 300, or you try to identify every exception, all