

language the Department of Roads uses in their contracts...now remember we are just strictly talking about their contracts, starts out, "The contractor shall". All I want is that the citizen knows they have some rights to get reasonable access to their property and, basically, that is exactly what this says, "to the extent practicable". I guess I think that means reasonable. If that is the words the Department of Roads uses, I am willing to use them. Now with respect to the purpose of the bill, in his kill motion, Senator Warner seemed to suggest that the purpose of the bill is to get reparations or big damages. Absolutely not. That is not the purpose. The purpose is to make sure you have access to your property and under some circumstances this may mean the Department of Roads has to go to that extra effort or some extra step. The original bill applied to municipalities and cities. I am restricting the bill to the Department of Roads. I think that is about as far a concession as anybody should make and I would hope with this approach even Senator Warner could accept it. I am just putting into statutory language exactly what the philosophy claimed by the Department of Roads is so that there is some leverage and enforcement ability by a citizen who has been damaged or more correctly by a citizen who can't get access to his property, at least he would have something to say, hey look, I am entitled to at least have access. I would urge you to adopt the amendment, and, as I say, I am not sure it is necessary to go this far but it might be one way of settling the issue.

SPEAKER NICHOL: Senator Beutler, Senator Vickers, Senator Lundy. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I guess I would like to speak against further amendment of the bill and the reason is because I am uncertain about at least a couple of provisions in this new language. For example, it says that "temporary approaches and crossings shall be provided and maintained in a safe condition by the contractor." When you start talking about providing things in a safe condition, then you are thinking again in terms of liability and obviously this kind of a provision would put some liability on the contractor and maybe some vicarious liability on the state. I don't know what the implications are of putting this kind of language in your statute, so I am opposed to this particular amendment. However, with regard to the language of the bill