

thought that maybe these guys with four wheel drive vehicles would have some place to try them out. Thank you.

SENATOR LAMB: Senator Kremer.

SENATOR KREMER: Mr. Chairman, members, I think it might be well if I would point out the strong support to this bill when it was heard in committee. There was no opposition and I call your attention to those that were in support and I support the bill. It was supported by the Association of County Officials, the highway superintendents of a number of the counties, the Association of County Officials, the Board of Classification...two spoke on it, representing the Association of County Officials, so it was well represented by those that had to do with roads like this and those that testified indicated how much we need this because of the shortage of funds. Senator Kahle has already brought that out and these roads of course would be kept up to a minimum standard but still would provide safety to those that knew they were traveling on that road. I thought that you should know about the support that this bill received at the time of the hearing. Thank you.

SENATOR LAMB: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I did ask for an Attorney General's opinion on this legislation. It was received by me this morning. It is going to be in the Journal for today. I think it ought to be pointed out I will support the bill but there were some questions I had about liability. I think the Attorney General's opinion makes it clear that this does not change, I think, to the degree that some may think it does, the liability question for counties to maintain the roads. In the Attorney General's opinion you'll see this. It will say if a county keeps a road open it must keep it reasonably safe for travelers and by that they mean the court has held that a county is not an insurer of the safety of travelers on its roads but must use reasonable and ordinary care of the construction and maintenance and repair of its highways and bridges so that they will be reasonably safe for travel or using them while he is in the exercise of reasonable and ordinary caution and prudence. And it goes on to talk about the different liability and upkeep. What the opinion, I think says, is that you can talk about minimum maintenance roads but if there is a problem, if for instance you keep the minimum maintenance, meet the standards and you have the road there, somebody comes along and it is wet and they go off the road because of that, hit a tree, there is still a liability present for the county if they haven't been