

happen at all times. Many owners of agricultural property really don't care for a fence, but for those that do, then the railroad section of fencing law would take precedence. One other section of this particular amendment addresses a problem that could be quite large in the case of a narrow strip of land bisecting either farmland or land that is scenic and might provide what could be described as an attraction to people to trespass, and that is that fences along these trails under the railroad law shall be deemed to be manifestly designed to exclude intruders for the purposes of subdivision 1(c) of Section 28-521. Now this refers to our trespass law and the courts have found that there are basically three ways of preventing or prosecuting a person for trespass, and that is that you have told the person not to come upon your property, that you have signs placed in such a manner that it is impossible not to see a sign when you're crossing the border, or that that particular enclosure is...property is enclosed with a fence manifestly designed to exclude intruders, and the courts have generally held that an ordinary pasture fence, a livestock-proof fence, is not manifestly designed to prevent intrusion: that really they're talking about a solid fence, a chain-link fence or something like that. So it gets rather expensive to do that. I don't believe it's necessary and that type of fence could, in fact, impede the free movement of wildlife, which is one of the intents of the LB 714, is to provide a habitat existent across cropland, and so that is the reason for that particular section of this amendment. Beyond that, with that explanation, and I certainly have managed to clear the body, I'm amazed at the interest there is in fence law in the State of Nebraska. I might share with you that they haven't been looked at since 1929 and they've served us well. So, with that, I would urge the adoption of this amendment. It would simply allow certainly for trails to be developed, but trails that could be developed in such a way that they would not provide an additional cost to the adjoining landowners but yet, in the event that fencing was required or was requested, that that fencing would be the responsibility of the owner of that particular section of trail. Thank you, Madam President.

PRESIDENT MOUL: Thank you, Senator Coordsen. Senator Beutler.

SENATOR BEUTLER: Madam President, member...members, we're fencing, Senator Coordsen, on fences, I guess. I oppose the amendment and for a number of reasons, although I can't suggest to you that this is anything like the last amendment in terms of