

SENATOR BEUTLER: Madam President, members of the Legislature, I hope this is an agreeable amendment because it basically concedes that the building of the fence will be done by the owners of the trail, at least insofar as the trails are abandoned railroad right-of-way and insofar as they're constructed or maintained out of this Trail Development Fund. And so what the amendment would do would be to insert the word "abandoned railroad right-of-way" before the word "trails" so that we're dealing only with those types of trails and, furthermore, it would change the language with regard to waiver of fences so the fences could be waived in situations where both the owner of the trail and the adjoining land...the affected adjoining landowner consented to an omission of a fence, and thereby preclude the necessity of obtaining the approval of all property owners along the trail, which Senator Coordsen has indicated already was his original intent. So I think with those two limitations maybe this matter can be compromised.

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

SENATOR COORDSEN: Only, Madam President, to say that I concur with Senator Beutler's amendment. It clarifies this particular amendment and does not change the effect or purpose.

PRESIDENT MOUL: Thank you, Senator Coordsen. Does anyone else wish to speak to the Beutler amendment? Seeing none, do you have closing, Senator Beutler?

SENATOR BEUTLER: I think that what I would like to do with my closing, rather than comment further on the amendment, I think people understand that it clarifies some of the things that Senator Coordsen would like, but I would like to ask Senator Coordsen for the record, directly this time rather than indirectly through Senator Wehrbein, his intent with regard to the last sentence of the amendment which says that such fences, whatever fences are built, shall be deemed to be manifestly designed to exclude intruders. It is true that your intent there is that the legal fiction be created, not that whoever is responsible for building the fence actually build an intruder-proof fence, is that correct?

SENATOR COORDSEN: Yes, Senator Beutler, for the record, the intent is that whatever fences are constructed, be that an agreeable fence between the two property owners, which is also a