

May 30, 1991

LB 714

legal fence by the way, simply be considered to be manifestly designed to exclude trespassers for the purpose...to exclude intruders for the purposes of a trespass law, and that's the intent.

SENATOR BEUTLER: Okay.

SENATOR COORDSEN: It is not my intent to require the owners of the trail to create a chain-link fence, a solid board fence, a people-proof fence in other words.

SENATOR BEUTLER: Okay. And one more matter for the record, Senator Coordsen, if I may with regard to the fence again. In your amendment it says that the fences shall be constructed and maintained as required for railroads in Section 74-601 to 74-609. Now, 74-601 and 74-609 speak to things other than fences, as you're aware...

SENATOR COORDSEN: They do...

SENATOR BEUTLER: ..but...

SENATOR COORDSEN: Oh, excuse me. Go ahead.

SENATOR BEUTLER: ..my assumption is that what you are saying is that those provisions that are applicable to the construction and maintenance of fences are those portions of those statutes that you intend to incorporate by that reference.

SENATOR COORDSEN: Yes, because portions of these sections address both fences and the disposal of livestock and that sort of thing. My intent with this amendment is only to apply those sections of statute that refer to fencing of railroad right-of-ways.

SENATOR BEUTLER: Okay. Thank you, sir. Madam President, I would just ask the adoption of the amendment.

PRESIDENT MOUL: Thank you, Senator Beutler. We will now vote on the Beutler amendment to the Coordsen amendment. All those in favor please vote aye, opposed nay. Have you all voted? You are voting on the Beutler amendment to the Coordsen amendment to LB 714. Have you all voted? Have you all voted? Please record, Mr. Clerk.