

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

April 7, 1999

LB 496

Was that...is that...(one), is that accurate? (Two) Is that intended? And (three), if it is intended, why would we distinguish crossing a public highway from...from a situation that may involve nonhighway land?

SENATOR BROMM: Senator Beutler, if it were public lands involved or right of way of the public, I think the consent language applies. But, as you stated, further up in the first four lines or so of 86-301, or fifth line, it talks about upon, across and under the public highways of this state, and upon and under lands in this state, whether state or privately owned. And so, I think when it comes to a private situation, we weren't intending...we weren't intending for that subsection consent, of course, to apply. Now I don't...maybe...

SENATOR BEUTLER: Senator, let me...let me state more clearly my...

SENATOR BROMM: Okay.

SENATOR BEUTLER: ...my problems, because I don't think I stated it clearly.

SENATOR BOHLKE: One minute.

SENATOR BROMM: All right.

SENATOR BEUTLER: It doesn't have to do with the private situation but with the public situation and the...and the application of consent in a public situation. The paragraph dealing with consent seems to address itself to the public situation related to highways, but it does not seem to address itself to a public situation dealing with other than highways.

SENATOR BROMM: The...does this help, Senator Beutler, highways, in this...in this definition, doesn't mean just your...your state highways or.... That includes roads, streets. Does that...is that what you mean?

SENATOR BOHLKE: Time. Senator Bromm.

SENATOR BROMM: If I could ask Senator Beutler if he would