

Senator Coordsen. (See AM1672 as found on page 2049 of the Legislative Journal.)

PRESIDENT MOUL: Senator Coordsen.

SENATOR COORDSEN: Thank you, Madam President and members of the body. This is a fencing bill that I doubt that there are very many people here that are really up on the fence laws of the State of Nebraska, but I think that after we run through that and I've known Senator Beutler to be a fair person and a just person, and a person that, by demonstrated ability to amend, has made sure that what we did on the floor of this body was, in fact, the thing that should be done and the language would be correct. In thinking about the development of trails on abandoned railroad right-of-way, it brings a person to a situation that is quite difficult to address, and that is that we have two sets of fence laws in the State of Nebraska, one that applies to railroads and one that applies to boundary fences, and, in the absence of agreement between adjoining property owners, these laws, insofar as boundary fences, take precedent and it's spelled out how to decide disputes, and what it amounts to in the case of boundary fences between adjoining property owners, and it makes no difference whether they're city lots or whether they're a 500,000-acre ranch, when you stand on your property looking at the boundary, it is your responsibility to maintain a boundary fence on the right half of that property, be it an inch or be it 25 miles, and the adjoining property owner has that same responsibility now. Insofar as railroads, that set of laws is totally different, and for those people who have had a railroad right-of-way bisecting their property for all of these years whenever the railroad was put in, the law provides several things of a railroad. One is that the railroad must maintain all of the boundary fence and then it describes that the fence shall be basically hog, sheep, horse and cattle tight, and it also provides something that is not provided in our ordinary fence law and that is that gates must be provided and a way be given to a property owner who owns property on either side of a railroad right-of-way to cross that right-of-way. These things are not provided for in our ordinary boundary fence law. This amendment then would provide that in the event that trails be developed along, as the intent of the bill, abandoned railroad right-of-ways, that that particular set of fence law be used in determining who maintains the boundary fence if, in fact, the adjoining boundary...the adjoining property owners do want a fence. Now that is not going to