

February 7, 1996 LB 584

debate, we do have a doctor of the day, Dr. Jeff Johnson of the Lincoln Family Practice, who is serving as our doctor of the day on behalf of the Nebraska Academy of Family Physicians. He is my guest. Dr. Johnson, would you like to stand up so the legislators may see who you are. Thank you. Senator Beutler.

SENATOR BEUTLER: Senator, members of the Legislature, I think maybe through this exchange we've already given you the basic facts. The fencing law is very complicated. Basically, if I'm recalling accurately, the history is simply this, that the general law for landowners is 50-50, both on any sort of construction and/or maintenance, that the general rule with respect to landowners, traditionally, that are next to railroads is that the railroad has 100 percent of the responsibility. The fact of the matter is the railroads have never done much about fences. As the trails developed, the first change was with the Cowboy Trail, and of political necessity that was, from my perspective, that was treated like railroad property, that is, with the Cowboy Trail, Game and Parks has 100 percent of the responsibility for fences, which is a very burdensome requirement. With these...with Senator Wickersham's bill, I don't remember exactly when it started, where it started with his bill, the suggestion, my suggestion was that we do it 50-50, just like all other fences, and just like all other parkland is handled. Mahoney Park, any other park and trails are parks, any of those parks is 50-50 with adjoining landowners. And, you know, that seems to be the abiding, that seems to be the fair situation. It's not like you have a railroad now where there's a dangerous train going down the track. It's the same as parkland, it's the same relationship as parkland to a landowner. So if this body wants to go back 50-50, that's fine. If they think the landowner is better off getting the initial construction, getting the fence reconstructed to their liking and then maintaining it themselves, I think there's a lot of rationale for that, a lot of rationale. And I'm...so, well, I'll abide by the body's decision, but I don't think it's bad the way it is. Thank you.

SENATOR CROSBY: Thank you, Senator Beutler. Senator Dierks, on the motion to return.

SENATOR DIERKS: Senator Crosby, members of the body, I would stand in support of Senator Coordsen's motion to return. The bill has given me a great deal of disccmfort from the very