

primarily is what we're talking about, farm or ranch is divided, there has to be a way for access. The railroads had chosen not to repair the fences because it was cheaper for them to pay for livestock that was killed that accidentally wandered onto the track, and that has been the way it's operated for a long time. There's a provision in railroad law that if the railroad doesn't keep their fence up, that the landowner can repair it and then bill the railroad, and that's the way that is. Common fence law provides, and if you want to be bored to death I would tell you what a legal fence looks like in the state of Nebraska, but I won't do that. Again, as we indicated, that is 50-50. At the time the original trails legislation was passed in this Legislature, this body felt that it was appropriate that the adjoining landowners would not be impacted financially by increased fence costs to keep trespassers out. Be of mind that the railroad fence was to keep livestock off the tracks, the trails fence is to keep the trail users off of private property. And whose responsibility is that? It was our position then and it's my position now that that responsibility to define a trail with a railroad fence lay with the owner of the trail, not with the adjoining landowner. The way we have this particular section, on page 26, distorts both of those in that it requires a fence without any description. I don't know what the fence is. Is it a hot-wire? Is it a steel post, or a stake here and there with one wire across? Is it...you know, I don't know what it is. After that fence is built then the adjoining landowners have the sole responsibility for fence maintenance repair. That's not even 50-50, folks. And I could ask Senator Jones or Senator Dierks or Senator Wehrbein or quite a large number of you on the floor how long a fence works, what the life of a fence is, and it's not very long, it's not very long. So we have quickly shifted the responsibility for division fences, not to 50-50, but 100 percent...

SENATOR CROSBY: One minute.

SENATOR COORDSEN: ...to the adjoining landowner. And I simply don't think that's right, I don't think that's needed. I think the current provisions we have in law are adequate, appropriate, fair, just and don't create any kind of a hybrid fence situation within which, Senator Beutler indicated, are already complex fence law. Thank you, Madam President.

SENATOR CROSBY: Thank you, Senator Coordsen. Senator Schrock.