

February 7, 1996 LB 584

appreciate the point being brought up and the good policy discussion we're having on it. Thank you.

SENATOR CROSBY: Thank you, Senator Bromm. Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Madam President. I'm concerned about what Senator Coordsen wants to do, not just as a matter of policy, but I'm beginning to be concerned about it as purely a legal matter. Senator Coordsen, I believe, has indicated to the body that if the section noted is struck that the Game and Parks Commission would be responsible for complete maintenance and construction of the fences. Isn't that correct, Senator Coordsen? If you look at 74-601 through 74-604, which are the statutes that deal with railroad fence law, as I read the supplement...reissue, and maybe I'll have to get the supplement, it says, every railroad corporation, every railroad corporation is liable. I don't know of anything in the statute that says that Game and Parks Commission is a railroad corporation. It is applicable, those sections are applicable to a specific group of entities that, as far as I'm aware, just striking this section doesn't make Game and Parks into one of them. That's the reason when we passed the legislation that dealt with the Cowboy Trail, there was specific language that said, and it's in 81-815.61, and if I can put in a plug for something that I think will become more useful to us in these kind of debates in the future, once we have desktop computers you'll all be able to follow along and see what we're talking about. But we specifically added a provision at that time that said, except in those areas where a recreational trail is developed, the commission shall have the same responsibility as a railroad, as provided in Section 74-601 to 74-604. Frankly, as a purely legal matter, if the result you want is the one that Senator Coordsen has described, that language, in my opinion, is necessary. And those provisions would have been incorporated in the bill I introduced to deal with the subject matter originally, and that's the reason they were there. Now the broader choice that we have to make: I guess, at this point, whether you choose one or the other I don't know whether it's going to make a substantial amount of difference. But Senator Coordsen, it's my frank belief, unless Senator Coordsen can point out something else to me, that what he's proposing does not do what he thinks it does. You need additional language to do what he's describing if you want that as a policy choice. And I'd be happy to help Senator Coordsen draft the language, and he can