

SENATOR CROSBY: One minute.

SENATOR ABOUD: ...a fence that Game and Parks was aware of, the fence in disrepair, chose to ignore it or chose not to repair it in a timely manner, and some child gets killed as a result of it, I would assume the liability would flow to the state of Nebraska versus the landowner. There's going to be a liability there somewhere, it's just a matter of assuming that there's going to be an action filed, there's going to be liability if there is an attractive nuisance out there, and that issue is who's going to be responsible. And my assumption is that if that fence is not properly maintained then the liability would flow to the state of Nebraska and Game and Parks versus that landowner who did not have an obligation to maintain that fence. I mean that's my assumption.

SENATOR COORDSEN: I would suspect they'd both be parties to the suit, in that case, probably in any case.

SENATOR ABOUD: Yeah, they'd probably be parties to the suit, but liability would probably flow to the state. Again, I'm going to be supporting the amendment. I think it clarifies the law on this issue and I do have sympathy to the landowners that are allowing these individuals to come next to their property. And I'll...

SENATOR CROSBY: Time.

SENATOR ABOUD: ...be supporting the amendment. Thank you.

SENATOR CROSBY: Thank you, Senator Abboud. Senator Beutler.

SENATOR BEUTLER: There has been some reference to the Trail Development Assistance Act and applying those rules to this situation, which you can do if you want to do. The irony of that, in a way, is that the Trails Development Assistance Act is not for Game and Parks or any state agency, but is rather an act to assist local communities in developing trails. And if you...the maintenance of a rule that says that 100 percent of fences will be paid for by that local community essentially makes it more difficult and more expensive for them to do the economic development of trail development. This is the only speech I'm going to make on this. I think we've discussed it