

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 3, 2000 LB 701

would add, and we're talking about current statute now, what the situation is today without any changes, my amendment would add flexibility in any instance where there was to be a fence built along a state-owned recreational trail without regard to the location of that trail, either through a person's property or along the edge of a person's property. The committee amendment, as it is currently drafted, maintains the requirement for railroad fence in any event where a single landowner's property is divided by a state recreational trail, and only applies in those areas where it is, in fact, along the edge of a single landowner's property, so that's the major difference.

SENATOR TYSON: Is the object of your concern then that the...the landowner, where we're talking about a divisional fence, dividing a landowner's property, that he would not have access across that?

SENATOR COORDSEN: There...there are several issues involved here, and I have my...

PRESIDENT MAURSTAD: One minute.

SENATOR COORDSEN: ...light on in case we run out of time, Senator Tyson, I don't know what...in what order, several issues. Of course, one is access, but that's only one. In the case of divided property, it can be an access...or an area of concern even along the edge where there may or may not be a way of entering the person's property from what is generally a public road on the other side, as I recall the geography of the Cowboy Trail, but it's a little more involved than that, including the maintenance. And I should share with you again that under, and this gets back to the astray laws for livestock, that a landowner can be held responsible if they do not maintain their fence in some manner...

PRESIDENT MAURSTAD: Time.

SENATOR COORDSEN: ...or the other.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen, Senator Tyson. For further discussion on the Coordsen amendment, Senator Jones.