

voting, 12 excused and not voting.

SENATOR CROSBY: LB 469 passes. LB 584.

CLERK: Senator Coordsen would move to return the bill for specific amendment. (FA432 appears on page 726 of the Legislative Journal.)

SENATOR CROSBY: Senator Coordsen, to open on your motion.

SENATOR COORDSEN: Thank you, Madam President, members of the body. I apologize to the members for my absence at the time this issue was addressed on Select File. Should the body decide to return the bill for the amendment, the amendment would have the purpose of, on page 26, striking lines 7 through 13. This was put into the bill on a Wickersham amendment, and I would...in a little bit I'm going to be asking Senator Wickersham a question as to his purposes. Back at the time when the original trails legislation was discussed, and that was with regard to the Missouri-Pacific line that ran east out of Lincoln, there were a number of us had some serious concerns over inappropriate additional cost to adjoining landowners if and when such lands became the property of, and then you fill in the blanks with whatever was appropriate, a trails association, an NRD, in the case of this the Game and Parks Commission. I think it's important to note that at that time trails that were built on abandoned railroad right-of-ways, whether they were rail banked or otherwise, carried with them, because of the law that was created at that time, the responsibility that they be fenced according to the railroad fencing laws. And what does that mean? Essentially that means that the railroads had the sole responsibility for maintaining the fences. And the description of the fence was in statute as to type, and there was access that had to be granted across, and a lot of things that were different from the normal fence laws. The ordinary fence laws that exist in Nebraska do give a description of a legal fence, I'm talking now that we have had, up until this bill, two sets of fence laws in Nebraska. The nonrailroad, the ordinary fence law, gave a...had a provision that described the type of fence that it took to be a legal fence, and it provided for fence viewers in disputes. But fundamentally adjoining landowners were responsible for half of the fence that divided two parts of property. When you stood and looked at your boundary, you were responsible for the right half of that fence,