

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 909**

Introduced by Carlson, 38; Dierks, 40; Dubas, 34; Karpisek, 32;  
Price, 3; Schilz, 47; Wallman, 30.

Read first time January 12, 2010

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend section 34-112.01,  
2 Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to division fences; and to repeal the  
4 original section.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 34-112.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           34-112.01 An owner of land may enter upon adjacent  
4 land owned by another person to construct, maintain, or repair a  
5 division fence pursuant to sections 34-102 and ~~34-112~~ 34-112.03,  
6 but such access shall be allowed only to the extent reasonably  
7 necessary to construct, maintain, or repair the division fence,  
8 including the removal or trimming of vegetation within and in  
9 immediate proximity to the fenceline. This section does not  
10 authorize any alterations to adjacent land owned by another person,  
11 including the removal of ~~trees,~~ buildings, or other obstacles,  
12 ~~without the consent of the adjacent landowner or a court order or~~  
13 ~~the removal of any items of personal property lying thereon without~~  
14 ~~the consent of the adjacent landowner or a court order.~~

15           Sec. 2. Original section 34-112.01, Reissue Revised  
16 Statutes of Nebraska, is repealed.