

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 444

Introduced by Carlson, 38.

PURPOSE: The purpose of this resolution is to examine how the law of division fences and the law of trespass affect the ability of landowners to carry out necessary management of trees and other vegetation within and encroaching upon a division fence. It is the goal of this resolution to identify common-law privileges that may exist for entry upon land for purposes of abatement of vegetation within and in immediate proximity to a fence to correct or avoid damage to or dislocation of the fence or impairment of the function of the fence. The resolution shall seek to identify any appropriate revisions to the law of division fences to facilitate resolution between neighboring landowners regarding vegetation issues associated with the construction, maintenance, and repair of division fences.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.