



One Hundred First Legislature - Second Session - 2010
Introducer's Statement of Intent
LB 909

Chairperson: Tom Carlson
Committee: Agriculture
Date of Hearing: January 26, 2010

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 909 would amend a provision of the Nebraska Law of Division Fences (§§34-102 – 34-117) recognizing a right of access to adjacent property limited to the extent reasonably necessary to carry out fencing activities. The bill would include the removal or trimming of vegetation within or in immediate proximity to the fence line is included within the reasonably necessary access allowed by §34-112.01.

Current law expressly excludes the removal of trees affecting the fence line from the reasonably necessary access permitted under current law, unless with the adjacent landowners consent or by court order. Proper construction, maintenance and repair of fencing may in some instances require eliminating or controlling vegetation that may impair the function and integrity of a fence. The primary purpose of the bill is to remove a presumption that addressing obstructing vegetation is not a necessary part of fencing activities.

Principal Introducer:

Senator Tom Carlson