

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB108

Hearing Date: Tuesday January 25, 2011
Committee On: Agriculture
Introducer: Carlson
One Liner: Change provisions relating to division fences

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Bloomfield, Brasch, Carlson, Harr, Karpisek, Larson, Lathrop, Wallman
Nay:
Absent:
Present Not Voting:

Proponents: Senator Tom Carlson Art Brownlee David Wright John Hansen Mark Roemer	Representing: Introducer Nebraska Cattlemen Independent Cattlemen Farmers Union Self
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 108 proposes revision to the law of division fences to clarify responsibilities of adjacent landowners with respect to management of conflicting vegetation. Section 1 of the bill inserts a wholly new section of statute. This section would contain an express declaration that the responsibility for a division fence includes the duty to maintain the fence in good repair, and provides that such duty includes the necessary management of encroaching vegetation causing damage or dislocation of the fence. Further, the new section would declare that the occurrence of encroaching vegetation causing damage or dislocation to a fence constitutes a private nuisance to the adjacent landowner's possessory interests.

Section 2 of the bill would revise section 34-112.01 to strike an existing express exclusion to a limited right of entry for purpose of performing fencing.

Explanation of amendments:

The committee amendment strikes section 2 of the bill as introduced and the corresponding repealer section 3.

Tom Carlson, Chairperson