

looking back here to find the original language, in fact if there was anything in that that dealt with the fencing. Portions of 258 were modified and then presented as a part of a committee amendment. It was not... Senator, I'm not trying to waffle about this, but it never was my amendment.

SENATOR COORDSEN: Oh.

SENATOR WICKERSHAM: It was based in 258. Well, Senator Beutler is... maybe we're going to get tied up here. I agreed to the provisions that were in the amendment to 584, but I'm not sure....

SENATOR COORDSEN: Okay, well, I do apologize then because I was going from the Journal and the amendment was offered by you. Senator Beutler, could you give me some history on this particular provision, if that is available to you, why this redrafting of our standard fence laws was included in 584?

SENATOR CROSBY: Senator Beutler, will you yield?

SENATOR BEUTLER: Senator, I'm not sure I'm going to remember accurately, because this is a bill from last year and it came through several sequences. My position on this issue has always been for an equal sharing of the fences on both sides, which is the standard way of doing things. However, it was suggested that maybe the landowners had a greater benefit in this particular kind of situation, because what happens in fact is that the railroad doesn't take care of the fences at all, as you well know. And it's very difficult to get them to take care of the fences. It's legend in the countryside that they don't take care of their fences. And a lot of those fences are in lousy condition. So I think the idea behind this particular way of doing it was that there was a great benefit to the landowner, in the short-run, to have whoever is doing the trail build the fence completely themselves, rebuild or build, whatever the condition... whatever the state of deterioration was. The total responsibility for that would be with the... whoever was operating the trail. Once that was done, though, the idea was that on down the line, the fence is there to keep cattle in, basically, not to keep people using the trail off. And there's no longer the danger of a train going down the track. So it seemed like a reasonable trade-off, I think, a very reasonable trade-off to those who proposed this particular version of the