

provisions of the bill came out of committee in the context of AM1169. AM1169, on page 22, had inconsistent provisions because it said that all rights-of-way would be governed by 81-815.60 to 81-815.63, but then went on to say that the commission shall have the same responsibility with regard to division fences as a private landowner, as provided in Sections 34-101 to 34-1117; 81-815.61, however, says that...which it also says the Game and Parks Commission would be subject to...says that the Game and Parks Commission shall have the same responsibility with regard to division fences as a private landowner, provided in 34-101 to 34-1117, except in those areas where a recreational trail is developed, the commission shall have the same responsibility as a railroad, provided in 74-601, 74-604. So the amendment, as far as I was concerned, was internally inconsistent. I did work with Senator Beutler, the result was FA388, and I acknowledge it creates a new division of fencing law or "unlaw" in your characterization, I think, Senator Coordsen. The choice, I think, was aptly described by Senator Schrock, should you take what you can get and run, and never have to haggle with these folks again. As you're aware, even though we have fencing laws on the books that say people are supposed to share the cost of construction, they're supposed to share the cost of maintenance, that those sections are sometimes difficult to enforce. And I don't want to disparage the Game and Parks Commission, but anybody that's had experience with noxious weeds on their property might be interested in how they think they're going to be able to deal with them with regard to maintenance of fences. So I will acknowledge that the choice was made, makes a clear cut choice. You may even have difficulty, quite frankly, in getting the original fence constructed, I don't know. But I'm...there was some discussion of this, as I recall, on Select File. But I'm more than happy to discuss it again. I think I will continue to support the choice that was made in the amendment and is now...

SENATOR CROSBY: One minute.

SENATOR WICKERSHAM: ...in the bill. If the body doesn't want to make the same choice, I'm not going to be overly offended about that. The choice does add some complexity to the fencing laws, but it also produces some additional certainty for the landowners that might be affected.

SENATOR CROSBY: Thank you, Senator Wickersham. Senator