

to the sprinkler. My bill started out saying, if the sprinkler sprinkled the road and it was due to negligence on the part of the farmer, he is already exempt from being arrested if the wind blows the water, or he is already exempt if it is a malfunction in the gun. He is exempt from being fined. What my bill did was saying, if it is due to the malfunction of an end gun that the farmer has refused to fix, then he will be fined a minimum of \$100. Now what is the problem? This is the problem. We have many, many, many of these sprinklers that sprinkle the road and if the sheriff goes down and arrests them, they are fined \$10. They are not going to get up out of bed and go shut that off and they are not going to spend two or three hundred dollars to fix it for a \$10 fine. And the sheriff isn't going to drive 20 to 25 miles out in the country and 20 to 25 miles back to the sheriff's office, say 60 miles at 20 cents a mile, for a \$10 fine. They are not going to enforce it. You have a letter in front of you from a school system where the police say they wish to have stiffer penalties. We had 11 county boards vote to increase the fine. We had 5 NRD boards pass a resolution to increase the fine. We have become...a permissive body. Why have a fine? Why put people in jail? We have become...lower the fines, let people get away with things. I think we should not be a permissive body. I will tell you this. Let one or two farmers be fined a \$100 and they are going to see that their end guns are fixed. Let them be fined a \$100 and they are going to see that they have an end gun. As it is now, they are not going to go out and buy what they say a \$50 end gun, pay another \$50 to have it installed when they are only going to be fine \$10. I do not object to the way they amended my bill. Mandating end guns is fine with me. The only thing I object to is what they did when they reduced the penalty, and therefore, I would like to have this body vote to put back in my bill making it a Class IV misdemeanor.

SPEAKER MARVEL: Senator Cullan, do you wish to speak to the committee amendment?

SENATOR CULLAN: Yes, Mr. President and members of the Legislature, I would like to address this issue. I think this is a time when there is some misunderstanding in the Legislature about the nature of this problem and perhaps what actually happens in rural areas. Let me say initially that I think the law as