

being and to recognize that they are in an area where there...where operations may be conducted adjacent to the trail which may put them at risk. The amendment does not completely remove the agricultural operator from any potential opera...any potential obligation. It simply reduces their level of obligation to intentional acts. In other words, if they knew affirmatively that someone was on the trail and still conducted an operation that placed the inhabitants or the users of the trail at risk, then they could be held liable for injuries to the person or property. It is simply an attempt to shift the responsibility for the users of the trail from the agricultural operators adjoining the trail to the users of the trail themselves. And, with that, I would simply move adoption of the amendment.

SPEAKER BAACK: Discussion on the amendment? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body, we...there were several of us who didn't support 714 on General File but, given the vote on General File, made the decision that 714 was going to pass and it contains actually a number of good ideas and provides an opportunity for the creation of areas of recreational use to basically public property, and the railroads are governed by a unique set of laws and, as Senator Wickersham indicated in his testimony, railroads, by and large, insofar as agriculture is concerned, are good neighbors. Hunting is prohibited on agricultural land or on railroad property, on railroad rights-of-way, trespassing is prohibited and a number of other things, and certainly the existence of a railroad right-of-way separating or along side agricultural property where farming or ranching practices are carried out does not provide any type of an impediment to carrying out those practices. But when we look at the figures that are presented by the National Railroad Trails Association, we find out that nationally there are a little over 3,000 miles of trails and some 30 million people are claimed to use those trails on an annual basis, which figures out to 27 people for every mile of trail for every day of the year. Now there are normal agricultural and horticultural practices where that'd be that tilling the soil and creating dust or the application of normally accepted agricultural herbicides and pesticides that may well create a problem if the railroad property is, in fact, used by the general public. So we felt, and I agree with Senator Wickersham, that landowners performing those types of acts in...with ordinary diligence should be excluded from