

some degree of satisfaction that you're doing your job right without fear of lawsuit, which most of us now fear quite a bit, by the way, in agriculture, we fear them a lot, that's the reason that we're concerned about these types of activities on these trails, and so I strongly support this amendment, probably stronger by the minute.

PRESIDENT MOUL: Thank you, Senator Wehrbein. Senator Lynch. Only Senator Beutler is remaining to speak. If you want to close, Senator Beutler? I'm sorry, it's Senator Wickersham's amendment. I'm sorry. Are there sufficient seconds? Okay, sufficient seconds. We will now vote on the motion to call the question. All those in favor please vote aye, opposed nay. Have you all voted? Have you all voted on the motion to cease debate? Please record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 5 nays to cease debate, Madam President.

PRESIDENT MOUL: Debate has ceased and I'll recognize Senator Wickersham for closing.

SENATOR WICKERSHAM: Thank you, Madam Chairman. Just very briefly again, I want to reiterate that this amendment is simply an attempt to shift the burden in circumstances which I think are appropriate, and Senator Beutler indicated that we have, what I might have taken from his remarks, to be an all-pervasive standard of care. Of course, that standard of care is not all-pervasive. As you know, we impose in some instances strict liability; in some cases we insulate people from liability. So the liability picture is across the board in the state. I think that was an unfair suggestion that we have simply one standard of liability and that carpets the state. That is simply not the case. The attempt here is in what, again, I would consider to be a very appropriate circumstance to shift a burden and I think the comments that Senator Wehrbein made were appropriate. Many agricultural activities are inherently risky. They're risky not only for the agricultural operator but they are risky for people who may be passing by and I believe that it is incumbent on those persons who are passing by or who are nearby and may voluntarily put themselves at risk in the course of that agricultural operation to bear the burden, to bear the burden of looking out for themselves. I do not believe it is incumbent in all circumstances for the agricultural operator to look out for them. They have a greater burden, or they should have a greater