

think the difference of opinion here in my opinion is what I understand as being dangerous, or at least you have to watch out when you're operating a machine, is not considered dangerous to an innocent person and so they come upon this type of activity, seeing a cow with a calf in a pasture, for example, might think it nice to pet the calf and so they crawl through the fence, go pet the calf, here comes a cow charging down and may knock the person over, not necessarily kill it, kill the person, but maybe hurt them severely. Now I don't know why I should be liable for that and I would, you know, I don't want to carry this on for so long but that's only my point. This was simply a part of a normal farming operation, so to speak. That's my point. Now, if there's another standard, if I'm wrong on that, then I'll back away, but that's what I see because I see that weekly. I don't want to exaggerate and say daily, but I see it weekly of people doing those kind of things on our property now which we know is dangerous when they do it but we can't keep everyone off, and they don't consider it dangerous and so they do things and, the way I understand this, we will be increasingly liable for those kind of activities and so I...that's the reason I support the reconsideration.

PRESIDENT MOUL: Thank you, Senator Wehrbein. Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Madam President. I hesitate a little bit to respond to Senator Chambers' what I consider almost to be accusations. The amendment has been on file for some time and has been filed with the stated intent of simply addressing a problem which I think will arise as we see trails developed through agricultural lands. I will reiterate that agricultural activities in many cases are inherently dangerous, not only to the operator but to those who might, without the proper regard for the dangerousness of the activities, place themselves in danger, and I think under those kind of circumstances it is entirely appropriate that we shift the burden to those persons to ensure that they will be careful, that they will watch out for themselves. I do not think it is appropriate to place...I do not think it is appropriate to place a burden on the adjoining landowners, on the operators to watch out for everyone who may rather unthoughtfully place themselves at risk. That is the sole intent of the amendment. Senator Chambers has raised some constitutional questions. I think it is appropriate to note that the Legislature, as always, is entitled...