

PRESIDENT MOUL: One minute.

SENATOR WICKERSHAM: ..to make proper classifications of persons or property or other things and to deal with them as is reasonable and I believe that this is a reasonable classification, if you will, and also a reasonable allocation of the burden in the particular circumstances with which I'm concerned, and I would simply urge you to vote for the reconsideration. I think that now we do have the additional two votes to adopt the amendment.

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

SENATOR BEUTLER: Madam President and members of the Legislature, let me attempt to illustrate some of the other problems with the bill. First of all, the discussion has been largely, on the part of the proponents, about situations that are perceived to be farm operations by landowners or presumably by maybe tenants on the farm, but this amendment is so poorly drafted that it goes way beyond this. First of all, there is no limitation to farming operations so that the negligence on the part of the landowner or the tenant could be any form of negligence. They could be shooting cans across the trail and accidentally hit a biker. It's not limited to farm operations, and why should they be protected in those situations, situations that aren't even directly associated with a legitimate farm activity, a farming function. Secondly, note that it's not limited to landowners or tenants. This standard of liability or no standard, or lack of standard of liability, also applies to licensees and to invitees. Now who's an invitee? Well, an invitee is anybody that comes on your land that you have welcomed on your land, that you have asked on your land, so that means that there are a whole number of other people who can commit offenses and still not be called on a negligence standard for their behavior. For example, if somebody, some...your son invited some young friend onto the farm and they were shooting cans on the trail, well, unless they intentionally meant to hit somebody, if they did hit and kill somebody, too bad. No civil liability. I mean this...there may be some kind of standard between negligence and intentional, and there may be some sort of limitation to farm operations and to farm owners or farm operators that may be appropriate, although I doubt it, but that's possible, but this amendment goes way beyond that in a