

game isn't different, and it's just as dangerous, say, in western Nebraska as it is around Lincoln or Omaha for somebody to get shot. Now if they get shot and if the Game and Parks Commission has contributed to shrubs or trees or whatever to this game trail, what's to stop them if they come to you, Chris, and say, we'd like to sue the state, the Game and Parks people, because they helped build this game shelter? Or they could go to any attorney and you say, man, that's a good case; I'm want to take that puppy; we'll have a fine lawsuit. So I'm just saying let's adopt the amendment. If we have to change the wording, we can, but it holds the hunter harmless if he hits somebody or shoots somebody that's on the game trail when he's in pursuit of game during hunting season only. Thank you, Mr. President.

SPEAKER BAACK: You've heard Senator Haberman's closing. We will now vote on the amendment. All those in favor vote aye, opposed vote no. Record, Mr. Clerk.

CLERK: 2 ayes, 14 nays, Mr. President.

SPEAKER BAACK: The amendment fails. We are back to the Wickersham amendment. Senator Ashford, did you wish to discuss the Wickersham amendment? Senator Coordsen, did you wish to discuss the Wickersham amendment further?

SENATOR COORDSEN: Only very briefly, Mr. Speaker, in that this I don't think would be necessary if, in fact, there hasn't occurred over the last few years a national trend toward people who are unfamiliar with agriculture filing suit and, from time to time in other states at least, collecting rather substantial sums for odors, for various things that arise from simply the practice of agriculture and really would not do any harm at all except that it's felt and agreed to by a judge or a jury some time that it is. This is a major change in a situation that exists when a trail is converted or when a railroad right-of-way is converted from private property to public property, and I think it is wise to provide some sort of assurances in statute that do not preclude prosecution for any intentional damage but rather from normal and ordinary activities.

PRESIDENT MOUL PRESIDING

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