

the origins of the bill itself. Can everybody in the back hear or not? Okay. Because it is kind of important you understand the origins and how it came about and then I think you yourself, Bernice, would want to kill the bill. This bill is like apples and oranges. Now what am I talking about? In 1965 the Legislature, concerned about developing and getting private people to allow hunting and fishing and other things on their private land, passed a law that said, look, Mr Landowner, don't be afraid to let the guy cross your land to hunt the pheasant or look at the fish or go look at Smith Falls because you are afraid of immediately being sued if they happen to stumble or fall or break a leg or anything. We are going to pass a law and protect you, the private individual, not a government now, a private individual out there from lawsuits from just accidental things when people come on there, not paying, but just coming on so that you will develop fishing. You will allow people to cross your land to hunt so that we don't close all the private land in the state to people that want to visit. That was what the original Recreation Liability Act was passed in 1965. So you see, it had a purpose. It was very clear and it dealt with the private landowner. Okay, in 1969, four years later, after court decisions and different developments in other states, this state passed the Political Subdivisions Tort Liability Act and what it did, it stated what the standards of care were supposed to be by the political subdivisions. In other words, you were supposed to use ordinary care, so on and so forth and that system has worked pretty good. Now, what the bill purports to do is say, okay, we are going to undo everything and we are going to say to all the political subdivisions, government is now under this concept that we passed back in '65 for the private landowner just to encourage him to let some people come on his property and hunt and fish and open up the properties. But government is not in that same situation. Government is there, for example, they build the swimming pool, they charge the people to go in. It is a completely different situation. Now the vandal problem that Bernice talks about and I am sure they have got some legitimate vandal problems in Omaha. All you are going to do is basically encourage vandalism. You are going to say, hey, look, you don't have to worry about whatever the vandals do anymore. Tough luck, you are not going to have...you are going to encourage the very thing you want to stop. I think there are other ways to address it. I think maybe if you want to deal with the Tort Liability Act and do some refining there that is fine, but believe me, this does things that I don't think even...I don't think Omaha would ever want to do. I really don't. I don't think Bernice would. So, I encourage you to kill this bill and I am sure that every lawyer in this room and everybody that really cares about the issue and the problem of vandals