



**Hundredth Legislature - Second Session - 2008**  
**Committee Statement**  
**LB 566**

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**Hearing Date:** February 14, 2007  
**Committee On:** Judiciary

**Introducer(s):** (Louden)  
**Title:** Adopt the Public Recreational Liability Act

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - Advanced to General File with Amendments
  - X Indefinitely Postponed
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**Vote Results:**

7	Yes	Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch, Sen. Schimek
	No	
	Present, not voting	
1	Absent	Sen. Chambers

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**Proponents:**

Sen. Louden  
 Larry Rose  
 Paul Kratz  
 Jo Dee Adelong  
 Paul Wiebelhaus  
 Lynn Johnson  
 Glenn Johnson  
 Jon Bonaiuto  
 Jason Albers  
 John Goc  
 Peggy Neeman  
 John Edwards  
 Chris Dibbern  
 Lynn Rex

**Representing:**

Introducer  
 Citizen  
 Citizen  
 City of Omaha  
 League of Nebraska Municipalities  
 Parks Director  
 Natural Resource District  
 Nebraska Assoc. of School Boards  
 Citizen  
 League of Municipalities  
 Citizen  
 Nebraska Assoc. of County Officials  
 Nebraska Power Assoc.  
 League of Municipalities

**Opponents:**

Maren Chaloupka  
 Robert Moodie  
 Joseph Vacca  
 Rich Bringelson

**Representing:**

Citizen  
 NATA  
 Citizen  
 Citizen

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**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Due to the recent Nebraska Supreme Court case, *Bronsen v. Dawes County*, S-04-237, 272 Neb. 320 (September 29, 2006), government entities that had enjoyed liability protection under the Recreational Liability Act (N.R.S. §§37-729 to 37-730 (Reissue 2004)) for the last 25 years have been stripped of the protection of the Act. In *Bronsen*, the Supreme Court ruled that a woman who stepped in a hole and broke her ankle at Fur Trade Days in Dawes County could sue the county for damages. The Court opined that the original legislative intent of the Act was to apply only to private landowners and not government entities. Without the protection of the Act, government entities must meet the standard of reasonable care to avoid negligence lawsuits.

Legislative Bill 566 is a response to *Bronsen* that proposes the adoption of the Public Recreational Liability Act (PLRA). The bill restores the protection taken away under *Bronsen* to the state, state agencies, University of Nebraska, state colleges, community colleges, and political subdivisions. The owner of public land used for recreational purposes owes no duty of care to keep the premises safe or to provide danger warnings for those entering or using the land for recreational purposes. The protection provided by the PLRA does not apply in cases of willful or malicious failure to guard or warn against danger. Furthermore, the PLRA does not protect owners of public land used for recreational purposes when the owner charges people to enter and use the land.

**Explanation of amendments, if any:**

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**Senator Brad Ashford, Chairperson**