



**Hundredth Legislature - Second Session - 2008
Committee Statement
LB 567**

Hearing Date: February 14, 2007
Committee On: Judiciary

Introducer(s): (Louden)
Title: Change the Recreational Liability Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

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

Proponents:

Sen. Loudon
Larry Rose
Roger Foster
Sally Danekas
Jo Dee Adelung
John Bonauit
Jason Albers
Peggy Neeman

Representing:

Citizen
Citizen
Citizen
League of Nebraska Municipalities
Nebraska Association of School Boards
Great Plains Trails Network
Citizen

Opponents:

Robert Moodie
Rich Bringelson

Representing:

NATA
Citizen

Neutral:

Representing:

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 (RLA) (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 567 amends N.R.S. §§37-729, 37-730, 37-732, 37-734, 37-735, and 37-736 to apply the name *Recreational Liability Act (RLA)* and to change the provisions. The RLA applies to land owned by private individuals or entities and used for recreational purposes. The bill removes the bar to limited liability immunity for landowners who charge fees to enter and/or use the land. The protection provided by the RLA does not apply in cases of willful or malicious failure to guard or warn against danger.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson