

LEGISLATIVE BILL 3

Approved by the Governor March 9, 2005

Introduced by Executive Board: Engel, 17, Chairperson

FOR AN ACT relating to recreational lands; to amend section 37-734, Reissue Revised Statutes of Nebraska; to eliminate an exception found unconstitutional and severable in Teters v. Scottsbluff Public Schools, 256 Neb. 645, 592 N.W.2d 155 (1999); and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 37-734, Reissue Revised Statutes of Nebraska, is amended to read:

37-734. Nothing in sections 37-729 to 37-736 limits in any way any liability which otherwise exists (1) for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity or (2) for injury suffered in any case where the owner of land charges the person or persons who enter or go on the land. ~~Rental paid by a group, organization, corporation, or the state or federal government shall not be deemed a charge made by the owner of the land.~~

Sec. 2. Original section 37-734, Reissue Revised Statutes of Nebraska, is repealed.