



Hundredth Legislature - First Session - 2007  
**Introducer's Statement of Intent**  
**LB 564**

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**Chairperson:** Brad Ashford  
**Committee:** Judiciary  
**Date of Hearing:** February 14, 2007

The following constitute the reasons for this bill and the purposes which are sought to be accomplished thereby:

In September of 2006, the Nebraska Supreme Court, in the case of Bronsen v. Dawes County, 272 Neb. 320, 722 N.W.2d 17, expressly overruled more than a quarter century of precedent declaring that the Recreational Liability Act did not provide to governmental entities the limited immunity afforded by that Act to private landowners who make their land available free of charge to the public for recreational purposes.

In consequence, the state and its political subdivisions are now liable for damages for accidents occurring on public lands caused by simple negligence.

In reliance on the belief that they were protected by the Recreational Liability Act, the state and many of its political subdivisions have opened thousands of acres of public land for hunting, fishing, swimming, hiking, biking, and numerous other types of recreational and leisure activities, consequently leaving them open to significant legal (and financial) vulnerability,

If action is not taken to change the current state of the law, the state and its political subdivisions will be forced to close or severely limit access to their lands or severely limit the scope and range of activities permitted on public lands. This has already happened in some parts of the state with regard to sled runs, skate parks, hunting, and trail activities. With the advent of warmer weather and more outside activity, the restrictions will only increase to limit the exposure of political subdivisions to lawsuits.

The purpose of this legislation is to return the law to the status as it was previously understood, pre-Bronsen, and restore the limited immunity standard for publicly-owned lands made available for recreational purposes. The definition of "owner" under the Recreational Liability Act would be amended to include the State of Nebraska, a state agency, and any political subdivision of the state, bringing them clearly under the terms of the Act.

**Principal Introducer:** \_\_\_\_\_  
**Senator Mike Friend**