

# ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014

## COMMITTEE STATEMENT

### LB551

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**Hearing Date:** Wednesday February 13, 2013  
**Committee On:** Judiciary  
**Introducer:** Schilz  
**One Liner:** Change recreational liability provisions

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

Indefinitely postponed

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**Vote Results:**

**Aye:** 5 Senators Ashford, Chambers, Lathrop, McGill, Seiler  
**Nay:** 3 Senators Christensen, Coash, Davis  
**Absent:**  
**Present Not Voting:**

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**Proponents:**

SEN. KEN SCHILZ  
DEB LOESKE  
DANIEL KELLER  
AMY SANDEEN  
ROGER KUHN  
ROBERT KEITH

**Representing:**

INTRODUCER  
NEBRASKA TRAVEL ASSOCIATION (NETA)  
SELF  
PRAIRIE LOFT CENTER  
NE GAME AND PARKS COMMISSION  
SELF

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**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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

Legislative Bill 153 would amend sections 37-729 to 37-736 to establish the Recreation and Tourism Promotion Act. The Act would limit liability for owners of "premises" made available to the public for recreation and tourism activities. An owner who leases the premises to the state owes no duty of care to keep the premises safe.

The owner would not be liable for injury or death or damage to property of a person who enters the premises for recreation and tourism activities due to an inherent risk on the owner's premises unless: (1) the owner has actual knowledge of a dangerous condition and does not make it known; (2) the owner reasonable should have known of a dangerous condition and does not make it know; (3) the owner fails to properly train employees resulting in injury or death or (4) the owner commits an act or omission with willful or wanton disregard for safety, with gross negligence or intentionally, resulting in injury or death.

The Act would not limit the liability of an owner who receives a fee for allowing people on the premises and fails to do at least one of the following: (1) post and maintain signage containing the required warning or (2) include the required warning in any written contract for use of the premises.

The bill would define fee, inherent risk, owner, participant, person, premises and recreation and tourism activities.

The operative date of the Act is January 1, 2014.

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Brad Ashford, Chairperson