

**ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021**  
**COMMITTEE STATEMENT**  
**LB54**

---

**Hearing Date:** Thursday February 18, 2021  
**Committee On:** Judiciary  
**Introducer:** Lathrop  
**One Liner:** Change immunity for intentional torts under the Political Subdivisions Tort Claims Act and the State Tort Claims Act

---

**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

---

**Vote Results:**  
**Aye:** 6 Senators Brandt, DeBoer, Lathrop, McKinney, Morfeld, Pansing Brooks  
**Nay:**  
**Absent:**  
**Present Not Voting:** 2 Senators Geist, Slama

---

**Oral Testimony:**

<b>Proponents:</b> Senator Steve Lathrop Loree Woods Eric Brown Jonathan Urbom	<b>Representing:</b> Introducer Self Self Nebraska Association of Trial Attorneys
<b>Opponents:</b> Ryan Wiesen James D. Smith	<b>Representing:</b> City of Omaha Nebraska Attorney General
<b>Neutral:</b>	<b>Representing:</b>

---

**Submitted Written Testimony:**

<b>Proponents:</b> Jason Hayes	<b>Representing:</b> Nebraska State Education Association
<b>Opponents:</b> Brandy Johnson Colby Coash Jon Cannon	<b>Representing:</b> Nebraska Intergovernmental Risk Management Association Nebraska Association of School Boards Nebraska Association of County Officials
<b>Neutral:</b>	<b>Representing:</b>

---

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

LB 54 amends the Political Subdivision Tort Claims Act and the State Tort Claims Act to allow claims that allege the

---

subdivision (or agency) or their employees negligently failed to protect a person who was owed a duty of care.

Section by section

Section 1 Amends 13-910, a section providing exceptions to the Political Subdivision Tort Claims Act, by adding a new subsection (7)(b) that allows claims for acts that constitute a negligent failure of the subdivision or their employees to protect a person that they owe a duty of care.

Section 2 Amends 81-8,219, a section providing exceptions to the State Tort Claims Act, by adding a new subsection (4)(b) that allows claims for acts that constitute a negligent failure of the agency or their employees to protect a person that they owe a duty of care.

Section 3 Repeals original sections.

---

**Explanation of amendments:**

AM1268 narrows the scope of the proposed exception in LB 54 by replacing the original proposed language with new language that allows claims for intentional torts where the political subdivision (or state agency ) failed to use reasonable care to control someone under their charge or protect a person in their care or custody from intentional torts by non-employees.

Section by section

Section 1 Amends 13-910, a section providing exceptions to the Political Subdivision Tort Claims Act, by adding a new subsection (7)(b) that allows claims for intentional torts where the political subdivision failed to use reasonable card to control a person that the subdivision has taken charge over or failing to protect a person in the subdivision's care or custody.

Section 2 Amends 81-8,219, a section providing exceptions to the State Tort Claims Act, by adding a new subsection (4)(b) that allows claims for intentional torts where a state agency failed to use reasonable card to control a person that the subdivision has taken charge over or failing to protect a person in the subdivision's care or custody.

---

Steve Lathrop, Chairperson