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Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 25 without my approval and without my signature. LB 25 would substantially erode sovereign immunity protections that have protected public funds through the Political Subdivision Tort Claims Act (PSTCA) for more than half a century. LB 25 creates a new body of law and would substantially increase the costs Nebraska taxpayers must bear for claims of abuse by both government employees and even non-employees.

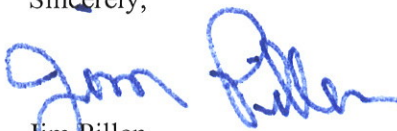
The sovereign immunity of the State and its political subdivisions is preserved in Article 5, Section 22 of Nebraska's Constitution. The PSTCA allows a limited waiver of a political subdivision's sovereign immunity and prescribes the procedure for maintenance of a suit against a political subdivision for some types of tort claims, but the waiver excepts certain intentional torts, including assault and battery.

As Nebraskans, we must protect our children, but LB 25 does not achieve that goal. It is overbroad, applying to all political subdivisions instead of being narrowly tailored to specific entities. Claims against the government are paid by taxpayers. LB 25 would make taxpayers the insurers for villages, cities, school districts, learning communities, public power districts, and all other units of local government when illegal acts of abuse are committed by employees or third parties.

We must hold perpetrators accountable and protect children from abuse by enforcing the criminal laws that exist and by targeting the wrongdoer. Taxpayers should not bear this burden. There are also existing civil remedies available for children and their families that allow compensation for harm caused by abuse. These remedies balance the need to provide compensation with the need to manage risk and protect taxpayer dollars. If a valid claim exists, these remedies should be pursued.

It is for these reasons that I have vetoed LB 25.

Sincerely,


Jim Pillen
Governor