

LEGISLATIVE BILL 1044

Approved by the Governor March 13, 1990

Introduced by Pirsch, 10; Abboud, 12

AN ACT relating to cities and villages; to amend sections 16-726 and 17-714, Reissue Revised Statutes of Nebraska, 1943; to provide a procedure for actions for certain claims against cities of the first and second class and villages as prescribed; and to repeal the original sections.

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

Section 1. That section 16-726, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-726. All liquidated and unliquidated claims and accounts payable against a city of the first class shall: (1) Be presented in writing; (2) state the name and address of the claimant and the amount of the claim; and (3) fully and accurately identify the items or services for which payment is claimed or the time, place, nature, and circumstances giving rise to the claim.

As a condition precedent to maintaining an action for a claim, other than a tort claim as defined in section 13-903, the claimant shall file such claim within ninety days of the accrual of the claim in the office of the city clerk.

The city clerk shall notify the claimant or his or her agent or attorney by letter mailed to the claimant's address within five days if the claim is disallowed by the city council.

No costs shall be recovered against such city in any action brought against it for any claim or for any claim allowed in part which has not been presented to the city council to be audited, unless the recovery is for a greater sum than the amount allowed with the interest due. All claims against the city, including claims for personal injury but not including officers' salaries and interest upon public debts, must be filed with the city clerk. Upon the filing of any such claim, the party shall state therein his post office address, and, upon the disallowance of any such claim, it will be the duty of the city clerk to notify the claimant, his agent, or attorney by letter mailed to such address

within five days after such disallowance-

Sec. 2. That section 17-714, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-714. All liquidated and unliquidated claims and accounts payable against a city of the second class or village shall: (1) Be presented in writing; (2) state the name and address of the claimant and the amount of the claim; and (3) fully and accurately identify the items or services for which payment is claimed or the time, place, nature, and circumstances giving rise to the claim.

As a condition precedent to maintaining an action for a claim, other than a tort claim as defined in section 13-903, the claimant shall file such claim within ninety days of the accrual of the claim in the office of the city or village clerk.

The city or village clerk shall notify the claimant or his or her agent or attorney by letter mailed to the claimant's address within five days if the claim is disallowed by the city council or village board of trustees.

No costs shall be recovered against such city or village in any action brought against it for any claim or for any claim allowed in part which has not been presented to the city council or village board of trustees to be audited, unless the recovery is for a greater sum than the amount allowed with the interest due. All claims against the city or village must be presented to the council or trustees in writing, with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against such city or village in any action brought against it for any unliquidated claim which has not been presented to the city council or board of trustees to be audited nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due.

Sec. 3. That original sections 16-726 and 17-714, Reissue Revised Statutes of Nebraska, 1943, are repealed.