

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 339

FINAL READING

Introduced by Business and Labor Committee: Cornett, 45,
Chairperson; Lathrop, 12; Rogert, 16; Wallman,
30; White, 8

Read first time January 11, 2007

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to claims against the state; to amend
2 sections 25-213 and 81-8,294, Reissue Revised Statutes
3 of Nebraska; to provide for a limitation of actions and
4 its tolling under the State Miscellaneous Claims Act as
5 prescribed; to harmonize provisions; and to repeal the
6 original sections.

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

1 Section 1. Section 25-213, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-213 Except as provided in sections 76-288 to 76-298,
4 if a person entitled to bring any action mentioned in ~~this chapter,~~
5 Chapter 25, the Political Subdivisions Tort Claims Act, the
6 Nebraska Hospital-Medical Liability Act, the State Contract Claims
7 Act, ~~or~~ the State Tort Claims Act, or the State Miscellaneous
8 Claims Act, except for a penalty or forfeiture, for the recovery
9 of the title or possession of lands, tenements, or hereditaments,
10 or for the foreclosure of mortgages thereon, is, at the time the
11 cause of action accrued, within the age of twenty years, a person
12 with a mental disorder, or imprisoned, every such person shall be
13 entitled to bring such action within the respective times limited
14 by ~~this chapter~~ Chapter 25 after such disability is removed. For
15 the recovery of the title or possession of lands, tenements, or
16 hereditaments or for the foreclosure of mortgages thereon, every
17 such person shall be entitled to bring such action within twenty
18 years from the accrual thereof but in no case longer than ten years
19 after the termination of such disability. Absence from the state,
20 death, or other disability shall not operate to extend the period
21 within which actions in rem are to be commenced by and against a
22 nonresident or his or her representative.

23 Sec. 2. Section 81-8,294, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 81-8,294 Sections 81-8,294 to 81-8,301 and section 3 of

1 this act shall be known and may be cited as the State Miscellaneous
2 Claims Act.

3 Sec. 3. Claims described in subdivisions (4) and (5)
4 of section 81-8,297 and claims relating to expiration of state
5 warrants shall have no time bar to recovery. Except as provided
6 in section 25-213, all other claims permitted under the State
7 Miscellaneous Claims Act shall be forever barred unless the claim
8 is filed with the Risk Manager within two years after the time the
9 claim accrued.

10 Sec. 4. Original sections 25-213 and 81-8,294, Reissue
11 Revised Statutes of Nebraska, are repealed.