

CLERK: LB 258, Mr. President, was a bill that was introduced by Senator Hannibal. (Title read.) The bill was introduced on January 14, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The Chair recognizes Senator Hannibal.

SENATOR HANNIBAL: Mr. Speaker and members, LB 258 is a bill that was introduced, actually, three years ago, was brought to the floor last year, two years ago, brought to the floor last year and was not enacted, we ran out of time. It has been reintroduced as LB 258. The purpose of LB 258 is to bring employees into the same statutes that the political subdivision for which they are employed by, excuse me, bring them into the same limitations for purposes of claims and suits being brought against them. The present law for political subdivisions, Tort Claims Act, the present law for filing suits and making claims against a subdivision of government or as an employee is a one-year filing period and two years for taking your claim to court and settling your case. Because of a quirk in a court case that happened in 1983 out in Buffalo County, there was a situation where an employee was sued separately from the subdivision because filing dates were missed and that became kind of a loophole in the law that we're trying to close right now and this particular bill has nothing to do with the buzz word, tort reform types of things. This is bringing the employee of a subdivision under the same limitations, under the same restrictions, under the same statutes as the subdivisions are presently right now with regards to time and limits on liability. I would move for the advancement of LB 258.

SPEAKER BARRETT: Thank you. Discussion. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a bill which I have opposed every time it has come before us and Senator Hannibal did tell what brought to the public's attention, the fact that there was a different statute of limitations on an employee than there is on a political subdivision. However, he didn't state or discuss the good public policy that is served by having such a situation. Under the Tort Claims Act as it relates to political subdivisions there is what is known as a statute of repose rather than a statute of limitations. A statute of repose begins to run as soon as an act is placed from which damage to an individual may occur. But because of the nature of the act, the individual may not know of the damage until the two-year statute of repose has