



**Ninety-Seventh Legislature - First Session - 2001**  
**Committee Statement**  
**LB 161**

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**Hearing Date:** 1/18/2001  
**Committee On:** Judiciary

**Introducers:** (Bourne)  
**Title:** Change amounts recoverable under the Political Subdivisions Tort Claims Act

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

8	Yes	Senators Baker, Bourne, Brashear, Chambers, Connealy, Pedersen, Robak, Tyson
	No	
	Present, not voting	
	Absent	

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**Proponents:**  
 Senator Patrick Bourne  
 Shelly Staley  
 David Geier  
 Joe Dowding

**Representing:**  
 Introducer  
 Self  
 Nebraska Association of Trial Attorneys  
 Nebraska Association of Trial Attorneys

**Opponents:**  
 Tom Mumgaard  
 Gary Krumland  
 Chris Dibbern

**Representing:**  
 City of Omaha  
 League of Nebraska Municipalities  
 Nebraska Power Association

**Neutral:**  
 Richard Hedrick

**Representing:**  
 Self

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

LB 161 amends the amounts recoverable for claims brought pursuant to the Political Subdivisions Tort Claims Act (Act).

- Existing Nebraska law has caps for recovery under the Act as follows:
- \$1 million for any person for any number of claims, and
  - \$5 million for all claims arising out of a single occurrence.
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LB 161 would increase the caps for recovery under the Act to:

- \$3 million for any person for any number of claims, and
- \$12 million for all claims arising out of a single occurrence.

**Explanation of amendments, if any:**

The Committee Amendment makes several changes to the bill, all of which further its intent.

First, the Amendment would limit the amount recoverable for any person to \$2 million.

Beginning July 1, 2002, the individual cap of \$ 2 million would be adjusted annually to the increase in change of the Consumer Price Index as determined by the US Department of Labor, Bureau of Labor Statistics. The Risk Manager of Nebraska Department of Administrative Services shall make such adjustment. This will ensure that the cap automatically raises to adjust for inflation.

Third, the Amendment would eliminate any cap on multiple claims, by different persons, arising out of a single occurrence.

Finally, the Amendment clarifies that the effect of this bill shall apply to claims that are not barred by the applicable statute of limitation.

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**Senator Kermit A. Brashear, Chairperson**