

## LEGISLATIVE BILL 339

Approved by the Governor May 24, 2007

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

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

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

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

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

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

81-8,294 Sections 81-8,294 to 81-8,301 and section 3 of this act shall be known and may be cited as the State Miscellaneous Claims Act.

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

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