

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 861

FINAL READING

Introduced by Watermeier, 1.

Read first time January 05, 2018

Committee: Appropriations

1 A BILL FOR AN ACT relating to counties; to authorize claims to the state
2 for certain prosecution costs as prescribed; to define terms; to
3 provide powers and duties for the Risk Manager; and to provide for
4 applicability.

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

1 Section 1. (1) For purposes of this section:

2 (a) Correctional institution incident means an incident in which a
3 crime or crimes are allegedly committed by one or more inmates confined
4 in a state correctional institution;

5 (b) Costs of prosecution includes, but is not limited to, the costs
6 of defense for indigent defendants, including attorney's fees and expert
7 witness fees;

8 (c) Division means the risk management and state claims division of
9 the Department of Administrative Services; and

10 (d) Threshold amount means the amount of property tax revenue raised
11 by a county from a levy of two and one-half cents per one hundred dollars
12 of taxable valuation of property subject to the levy. The threshold
13 amount shall be determined using valuations for the year in which the
14 correctional institution incident occurred.

15 (2) A county may file a claim with the division to recover the costs
16 of prosecution relating to a correctional institution incident that
17 occurs within the county. The county may recover only those costs that
18 exceed the threshold amount for such county.

19 (3) The Risk Manager shall have the power and authority to receive
20 claims, investigate claims, and otherwise carry out the responsibilities
21 of this section. The division shall develop a claim form, publish claim
22 procedures, and determine the supporting information required to perfect
23 a claim.

24 (4) The Risk Manager shall submit claims received under this section
25 to the Legislature in the same manner as provided in the State
26 Miscellaneous Claims Act. The Legislature shall review the claim and make
27 an appropriation for the claim if appropriate.

28 (5) This section shall apply to any correctional institution
29 incident occurring on or after May 1, 2015. Claims described in this
30 section shall have no time bar to recovery.