LEGISLATIVE BILL 353

Introduced by Baker, 30.
Read first time January 12, 2017
Committee: Judiciary

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-918, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of claims, awards, and judgments under the Political Subdivisions Tort Claims Act; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 13-918, Reissue Revised Statutes of Nebraska, is amended to read:

13-918 Any claims, awards, or judgments pursuant to the Political Subdivisions Tort Claims Act and sections 16-727, 16-728, 23-175, 39-809, 77-1619, 77-1620, and 79-610 shall be paid in the same manner as other claims, awards, or judgments against the political subdivision. If insufficient funds are available to pay the claims, such awards, or judgments the governing body shall include sufficient funds in the budget for the next fiscal year or biennial period. If constitutional or statutory provisions prevent any political subdivision from budgeting sufficient funds to pay any claim, award, or judgment in its entirety, the governing body shall pay that portion that can be paid under the constitution and laws and then shall make application to the State Treasurer for the loan of sufficient funds to pay the claim, award, or judgment in full. When application is made for such a loan, the State Treasurer shall make such investigation as he or she deems necessary to determine the validity of the claim, award, or judgment and the inability of the political subdivision to make full payment on the claim, award, or judgment, and the period of time during which the political subdivision will be able to repay the loan. After determining that such loan will be proper, the State Treasurer shall make the loan from funds available for investment in the state treasury, which loan shall carry an interest rate of one-half of one percent per annum. The State Treasurer shall determine the schedule for repayment, and the governing body of the political subdivision shall annually budget and levy a sufficient amount to meet this schedule until the loan, with interest, has been repaid in full.

Sec. 2. Original section 13-918, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.