

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 888

Introduced by Hilgers, 21.

Read first time January 09, 2020

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section
- 2 81-8,211, Revised Statutes Cumulative Supplement, 2018; to change
- 3 provisions relating to the authority of the Risk Manager and State
- 4 Claims Board; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-8,211, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 81-8,211 Authority is hereby conferred upon the Risk Manager and
4 State Claims Board, acting on behalf of the State of Nebraska, to
5 consider, ascertain, adjust, compromise, settle, determine, and allow any
6 tort claim. Any claimant dissatisfied with a decision of the Risk Manager
7 may make application for review of the decision by the State Claims Board
8 by filing an application for review with the Risk Manager within sixty
9 days after receipt of notice of the Risk Manager's decision. If any tort
10 claim is compromised, settled, or allowed by the Risk Manager in an
11 amount of more than five thousand dollars, the approval of the State
12 Claims Board is required. If any tort claim is compromised, settled, or
13 allowed by the Risk Manager or the State Claims Board in an amount of
14 more than ten thousand dollars, the unanimous approval of all members of
15 the State Claims Board shall be required. If any tort claim is
16 compromised, settled, or allowed by the Risk Manager or the State Claims
17 Board in an amount of more than twenty-five thousand dollars, the claim
18 shall also be submitted for approval by the district court for Lancaster
19 County. When approval of the district court is required, the Attorney
20 General shall make application for such approval and shall file with the
21 application a transcript of the action of the State Claims Board on such
22 claim. The claimant may join in such application, and if the claimant
23 does so, the court may proceed to act on the application without further
24 notice to either party. If the claimant does not join in the application,
25 the court shall require actual notice to all parties before acting on the
26 application. The court may deny the application for any legal and
27 sufficient reason or may direct the State Claims Board to conduct further
28 hearings on any material issues. The fees of the clerk of the district
29 court for filing such application shall be five dollars.

30 Sec. 2. Original section 81-8,211, Revised Statutes Cumulative
31 Supplement, 2018, is repealed.