

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1092

FINAL READING

Introduced by Flood, 19; Wayne, 13.

Read first time January 19, 2022

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to Nebraska state colleges; to authorize
2 establishment of risk-loss trusts; to provide requirements for use
3 of risk-loss trusts; to provide for applicability; and to provide a
4 duty for the Attorney General and the State Claims Board.

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

1 Section 1. (1) The Board of Trustees of the Nebraska State Colleges
2 may establish, maintain, and administer one or more risk-loss trusts for
3 the purpose of paying losses and expenses incurred by the state colleges
4 from (a) general and professional liability, including, but not limited
5 to, judgments, awards, and settlements of claims and suits arising under
6 state or federal law, including, but not limited to, the State Contract
7 Claims Act, the State Miscellaneous Claims Act, and the State Tort Claims
8 Act, (b) damage, destruction, or loss of real or personal property, and
9 (c) errors and omissions liability. Any such risk-loss trust shall
10 contain provisions relating to defense and settlement of claims and suits
11 covered by the trust. No risk-loss trust established pursuant to this
12 section shall be a member of the Nebraska Property and Liability
13 Insurance Guaranty Association.

14 (2) Whenever any claim or suit against the state colleges or any of
15 the officers, agents, or employees of the state colleges is covered by a
16 risk-loss trust established pursuant to this section, the provisions of
17 such trust on defense and settlement of claims and suits covered by the
18 trust shall be applicable notwithstanding any inconsistent provisions of
19 the State Tort Claims Act. The Attorney General and State Claims Board
20 shall cooperate with the state colleges in administering the defense and
21 settlement provisions of any such trust.