

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1170

Introduced by Wordekemper, 15.

Read first time January 21, 2026

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to claims against the state; to amend sections
- 2 81-8,236, 81-8,300, 81-8,316, and 81-8,318, Reissue Revised Statutes
- 3 of Nebraska; to provide for multiple claims from counties in the
- 4 State Tort Claims Act as provided; to redefine terms; to change
- 5 provisions relating to the investigation and appeal of claims in the
- 6 In the Line of Duty Compensation Act as provided; to harmonize
- 7 provisions; and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 81-8,236, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-8,236 (1) For purposes of this section:

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

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

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

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

17 (2) A county may file a claim with the division to recover the costs
18 of prosecution relating to a correctional institution incident that
19 occurs within the county. The county may recover only those costs that
20 exceed the threshold amount for such county. A county may file more than
21 one claim for a single correctional institution incident if the threshold
22 amount is met for each claim or prosecution has resolved. No claim shall
23 include prosecution costs for which the Risk Manager has issued a
24 decision pursuant to section 81-8,300.

25 (3) The Risk Manager shall have the power and authority to receive
26 claims, investigate claims, and otherwise carry out the responsibilities
27 of this section. The division shall develop a claim form, publish claim
28 procedures, and determine the supporting information required to perfect
29 a claim.

30 (4) The Risk Manager shall submit claims received under this section
31 to the Legislature in the same manner as provided in the State

1 Miscellaneous Claims Act. The Legislature shall review the claim and make
2 an appropriation for the claim if appropriate.

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

6 **Sec. 2.** Section 81-8,300, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 81-8,300 (1) After investigation, the Risk Manager or State Claims
9 Board shall either approve, approve with conditions or limitations, or
10 disapprove of each claim or request and append to the claim or request a
11 concise statement of the facts brought out in such investigation upon
12 which its approval or disapproval is based. If any claim is approved in
13 an amount of more than five thousand dollars, the approval of the board
14 is required. Such claim or request, together with the original papers
15 supporting it and the appended statement, shall be filed with the Risk
16 Manager in the manner prescribed by the State Claims Board. The Risk
17 Manager shall promptly notify each claimant of the decision by the Risk
18 Manager or State Claims Board on his or her claim by regular mail. The
19 notification shall include (a) the decision of the Risk Manager or State
20 Claims Board, (b) a statement that a claimant dissatisfied with the
21 decision of the Risk Manager may have his or her claim reviewed by the
22 board or a statement that a claimant dissatisfied with the decision of
23 the board may have his or her claim reviewed by the Legislature upon
24 application, (c) the procedure for making an application for review, and
25 (d) the time limit for making such application.

26 (2) If the claimant is dissatisfied with the decision of the Risk
27 Manager, he or she may file an application for review by the board. If
28 the claimant is dissatisfied with the decision of the board, he or she
29 may file an application for review by the Legislature. The application
30 for review shall be filed with the Risk Manager in the manner prescribed
31 by the board. The application for review shall be filed within sixty days

1 after the date of the decision which is being reviewed.

2 (3) Each claim which has been approved or for which an application
3 for review with the Legislature has been filed and each request referred
4 to in section 81-8,297 shall be delivered electronically by the Risk
5 Manager to the chairperson of the Business and Labor Committee of the
6 Legislature at the next regular session of the Legislature convening
7 after the date of the decision of the board. The Risk Manager may direct
8 the payment by the state agency involved of any claim not in excess of
9 five thousand dollars if such payment is agreed to by the head of the
10 agency involved. The State Claims Board may direct payment by the state
11 agency involved of any claim not in excess of fifty thousand dollars if
12 such payment is agreed to by the head of the agency involved and the
13 agency has sufficient funds to pay the claim. If claims approved by the
14 Risk Manager or State Claims Board arise out of the same facts and
15 circumstances, they shall be aggregated except when more than one claim
16 has been filed pursuant to subsection (2) of section 81-8,236. If the
17 Risk Manager or State Claims Board does not direct the payment of a claim
18 as set forth in this section or the claim exceeds the dollar limitations
19 set forth in this section, the claim shall be reviewed by the Legislature
20 and an appropriation made therefor if appropriate. The Risk Manager shall
21 report electronically all claims and judgments paid under the State
22 Miscellaneous Claims Act to the Clerk of the Legislature and the
23 chairperson of the Business and Labor Committee of the Legislature. The
24 report shall include the name of the claimant, a statement of the amount
25 claimed and paid, and a brief description of the claim including the
26 agency and program or activity under which the claim arose. Any member of
27 the Legislature may receive an electronic copy of the report by making a
28 request to the Risk Manager.

29 **Sec. 3.** Section 81-8,316, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 81-8,316 For purposes of the In the Line of Duty Compensation Act:

1 (1) Firefighter means a member of a paid or volunteer fire
2 department in Nebraska, including a member of a rescue squad associated
3 with a paid or volunteer fire department in Nebraska;

4 (2)(a) Killed in the line of duty means losing one's life as a
5 result of an injury or illness arising on or after January 1, 2022, in
6 connection with the active performance of duties as a public safety
7 officer if the death occurs within three years from the date the injury
8 was received or illness was diagnosed and if that injury or illness arose
9 from violence or other accidental cause.

10 (b) An injury or illness shall be presumed to have arisen in
11 connection with the active performance of duties as a public safety
12 officer if:

13 (i) The injury or illness is a heart attack, stroke, or vascular
14 rupture that occurred or the symptoms of such injury or illness
15 manifested while the public safety officer was engaged in, or within
16 twenty-four hours after, nonroutine stressful or strenuous activity in
17 the line of duty;

18 (ii) The public safety officer was exposed to any toxin or
19 carcinogen while on duty and the public safety officer began service no
20 fewer than five years prior to the date of a diagnosis of an exposure-
21 related cancer; or

22 (iii) The public safety officer was exposed to cumulative traumatic
23 events while on duty, such exposure was a substantial contributing factor
24 in the death of the public safety officer, and either:

25 (A) The public safety officer was diagnosed by a licensed medical or
26 mental health professional with an injury or illness related to such
27 exposure; or

28 (B) There is evidence that the public safety officer attempted to
29 receive help, treatment, or diagnosis for an injury or illness related to
30 such exposure.

31 (c)(i) The presumption in subdivision (2)(b)(i) of this section may

1 be overcome by competent medical evidence that establishes the death was:

2 (A) Unrelated to the engagement or participation in activities in
3 the line of duty; or

4 (B) Caused by something other than such engagement or participation
5 or the mere presence of cardiovascular disease risk factors.

6 (ii) The presumption in subdivision (2)(b)(ii) of this section may
7 be overcome by competent medical evidence that establishes the exposure
8 to the toxin or carcinogen was not a substantial contributing factor in
9 the death of the public safety officer.

10 (d) ~~(b)~~ Killed in the line of duty excludes death resulting from the
11 willful misconduct or intoxication of the public safety officer;

12 (3) Law enforcement officer has the same meaning as in section
13 81-1401;

14 (4) Public safety officer means:

15 (a) A firefighter;

16 (b) A law enforcement officer;

17 (c) A member of an emergency medical services ambulance squad
18 operated by a political subdivision or by a private, nonprofit ambulance
19 service, but excluding any employee of a private, for-profit ambulance
20 service; or

21 (d) A correctional officer employed by a jail or by the Department
22 of Correctional Services;

23 (5) Risk Manager means the Risk Manager appointed under section
24 81-8,239.01; and

25 (6) State Claims Board means the board created under section
26 81-8,220.

27 **Sec. 4.** Section 81-8,318, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 81-8,318 (1) To receive compensation under the In the Line of Duty
30 Compensation Act, a claim for the compensation shall be filed with the
31 Risk Manager within three years after the date of death of the public

1 safety officer who was killed in the line of duty. Such claim shall be on
2 a form prescribed by the Risk Manager and shall include:

3 (a) The name, address, and title or position of the public safety
4 officer who was killed in the line of duty;

5 (b) A copy of the form filed in accordance with subsection (4) of
6 section 81-8,317, if any. If no such form has been filed, the claim shall
7 include the name and address of the person or persons to whom
8 compensation is payable under subdivision (3)(b) of section 81-8,317;

9 (c) A sworn statement providing a full factual account of the
10 circumstances resulting in or the course of events causing the death of
11 the public safety officer; and

12 (d) Such other information as the Risk Manager reasonably requires.

13 (2) The Risk Manager shall send written notice to all claimants
14 within two weeks after the initiation of a claim indicating whether or
15 not the claim is complete. For purposes of this subsection, a claim is
16 complete if a claimant has submitted to the Risk Manager all documents
17 and information required under subsection (1) of this section. If a claim
18 is incomplete, the Risk Manager shall include in the written notice a
19 list of the documents or information which the claimant must submit in
20 order for the claim to be complete. If a claim is complete, an
21 investigation of the claim shall be made in the manner provided in the
22 State Miscellaneous Tort Claims Act ~~in accordance with section 81-8,212.~~
23 Upon completion of such investigation, and no later than one hundred
24 eighty days after receipt of a complete claim, the State Claims Board
25 shall approve or deny such claim and the Risk Manager shall send written
26 notice to the claimant stating whether the claim has been approved or
27 denied. If a claim is denied, the notice shall include the reason or
28 reasons for the denial. If a claimant is dissatisfied with a denial, he
29 or she may file an application for review with the Risk Manager in
30 accordance with subsection (2) of section 81-8,300 ~~district court for~~
31 ~~Lancaster County in accordance with sections 81-8,213 and 81-8,214.~~ If a

1 claim is approved, compensation shall be paid to the claimants entitled
2 to such compensation in accordance with section 81-8,300 ~~81-8,211~~.

3 (3) This section shall apply to any claim arising on or after
4 January 1, 2022.

5 **Sec. 5.** Original sections 81-8,236, 81-8,300, 81-8,316, and
6 81-8,318, Reissue Revised Statutes of Nebraska, are repealed.