



**Hundredth Legislature - Second Session - 2008
Committee Statement
LB 448**

Hearing Date: February 7, 2007
Committee On: Judiciary

Introducer(s): (Ashford)
Title: Change limitation of action provisions under the Political Subdivisions Tort Claims Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

Vote Results:

5	Yes	Sen. Ashford, Sen. McDonald, Sen. McGill, Sen. Pirsch, Sen. Schimek
	No	Sen. Lathrop, Sen. Pedersen
	Present, not voting	
	Absent	Sen. Chambers

Proponents:
Sen. Ashford
Robert Moodie

Representing:
Introducer
NATA

Opponents:
Chris Dibbern
Tom Mummgard
Elaine Menzel
Clint Schukei

Representing:
Nebraska Power Association
City of Omaha
Citizen
Citizen

Neutral:

Representing:

Summary of purpose and/or changes:

Under the Political Subdivisions Tort Claims Act, all claims must first be made in writing to the governing body of the political subdivision before a claimant may file a lawsuit. The claimant must make the claim to the governing body within one year of the occurrence or discovery of the alleged tort, or the claim is forever barred.

After the claim is filed with the governing body, the political subdivision has six months in which to make final disposition of the claim. If the political subdivision does not make a final disposition within six months, the claimant may withdraw the claim and file a lawsuit. The claimant has two years from the time the claim accrued to file suit. Such two-year limitation may be extended for an additional six months if the statute of limitations expires prior to the time when the claimant withdraws the claim.

Legislative Bill 448 amends §§13-919 and 13-920 to extend the time in which a claimant may file a claim from one year to two years.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson