

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT (CORRECTED)
LB304

Hearing Date: Wednesday February 04, 2009
Committee On: Judiciary
Introducer: Council
One Liner: Change limitation of action provisions under the Political Subdivisions Tort Claims Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	7	Senators Ashford, Christensen, Coash, Council, Lathrop, McGill, Rogert
Nay:	1	Senator Lautenbaugh
Absent:		
Present Not Voting:		

Proponents:

Sen. Brenda Council
John Lindsay
Katie Zulkoski

Representing:

Introducer
NATA
NE State Bar Association

Opponents:

Jack Cheloha
Chris Dibbern
Clint Schukei
Elaine Menzel

Representing:

City of Omaha
NE Power Association
City of Norfolk; League of NE Municipalities
NE Association of County Officials

Neutral:

Jack Mills

Representing:

NE Intergovernmental Risk Management Association
(NIRMA)

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 Sec. 13-919 and Sec. 13-920 to extend the time in which a claimant may file an initial claim from one year to two years.

Brad Ashford, Chairperson