

LEGISLATIVE BILL 864

Approved by the Governor March 17, 1988

Introduced by Hall, 7; Barrett, 39

AN ACT relating to the payment of claims; to amend sections 24-319, 24-321, 24-731, 24-733, 25-1806, 32-549, 53-113, 72-419, 72-420, 75-104, 77-2205, 77-2406, 77-2409, 77-2410, 77-2412, 77-2416, 81-804, 81-8,209 to 81-8,232, 81-8,237 to 81-8,239, 81-8,239.03, 81-1170, 81-1171, 81-1174 to 81-1177, 83-195, 83-1,128, 84-213, 85-122, 85-130, 85-301, and 85-316, Reissue Revised Statutes of Nebraska, 1943, and section 25-213, Revised Statutes Supplement, 1986; to change provisions relating to claims for certain payments and reimbursements; to eliminate a fund; to adopt the State Contract Claims Act and the State Miscellaneous Claims Act; to provide procedures for contract and miscellaneous claims against the state; to change an appeal procedure; to eliminate an obsolete provision and certain duties of the Director of Administrative Services; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 81-8,234, 81-8,236, 81-1172, and 81-1173, Reissue Revised Statutes of Nebraska, 1943, and section 77-2407, Revised Statutes Supplement, 1987; and to declare an emergency.

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

Section 1. That section 24-319, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-319. The several district courts of the judicial districts of the state shall have jurisdiction to hear and determine (1) all claims against the state filed therein which have previously been presented to the Director of Administrative Services, and have been in whole or in part rejected or disallowed; (2) all claims or petitions for relief that may be presented to the Legislature, and which may be by any law, or by any rule or resolution of the Legislature, referred to either of said such courts for adjudication, (2) ; (3) all setoffs, counterclaims, and claims for damages,

liquidated or unliquidated, on the part of the state against any person making a claim against the state, or against the person in whose favor such claim arose, (3) ; (4) all cases where in which the State of Nebraska shall have has a lien or any other interest, apparent or real, upon or in any real estate in said the state, wherein and in which any party may desire to have said the lien or interest of the state fixed and determined or foreclosed and cut off, ; and permission is hereby given to any party to join the state as a party in any such actions or proceedings in such courts involving real estate in or upon which the state has, appears to have, or claims any interest or lien, and (4) ; and (5) all cases where in which the State of Nebraska or the Board of Educational Lands and Funds of the State of Nebraska is the owner of, or has or claims any interest in any bonds or other obligations of any drainage district, irrigation district, municipal corporation, or any other political or governmental subdivision of the State of Nebraska, wherein and in which any party may desire to have the ownership of, or interest in, such bonds or other obligations determined, the validity thereof adjudicated, or any rights and liabilities arising therefrom fixed and determined, ; and permission is hereby given to any party to join the State of Nebraska as a party in any such actions or proceedings in such courts involving the ownership or interest of the state, or said the Board of Educational Lands and Funds in such bonds or other obligations.

Sec. 2. That section 24-321, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-321. When action is brought under ~~the provisions of~~ section 24-319, summons shall be served upon the state in the manner provided for service of a summons in a civil action. ~~Such An~~ action brought under ~~the provisions subdivision (4)~~ of section 24-319, ~~subdivision (5)~~, may be brought in Lancaster County, Nebraska, or in any county wherein in which the drainage district, irrigation district, municipal corporation, or other political or governmental subdivision whose bonds or other obligations are involved, is situated either in whole or in part.

Sec. 3. That section 24-731, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-731. A retired judge on temporary duty shall be reimbursed for his or her expenses at the same rate as provided in sections 81-1174 to 81-1177 for

state employees; but shall submit a claim request for payment or reimbursement in the manner provided in section 24-733.

Sec. 4. That section 24-733, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-733. Within fifteen days following completion of a temporary duty assignment, the retired judge shall submit to the Chief Justice of the Supreme Court, on forms provided by the Chief Justice, a claim request for payment or reimbursement for services rendered and expenses incurred during such temporary duty assignment. Upon receipt of such claim request, the Chief Justice shall endorse on the claim request that the services were performed and expenses incurred pursuant to an assignment of the Supreme Court of Nebraska and file such claim request with the proper authority for payment.

Sec. 5. That section 25-213, Revised Statutes Supplement, 1986, be amended to read as follows:

25-213. Except as provided in sections 76-288 to 76-298, if a person entitled to bring any action mentioned in this chapter, Chapter 23, article 24 the Political Subdivisions Tort Claims Act, the Nebraska Hospital-Medical Liability Act, and sections 81-8,209 to 81-8,239 the State Contract Claims Act, or the State Tort Claims Act, except for a penalty or forfeiture, ~~or~~ for the recovery of the title or possession of lands, tenements, or hereditaments, or for the foreclosure of mortgages thereon, be is, at the time the cause of action accrued, within the age of twenty years, a person with a mental disorder, or imprisoned, every such person shall be entitled to bring such action within the respective times limited by this chapter after such disability ~~shall be~~ is removed. For the recovery of the title or possession of lands, tenements, or hereditaments, or for the foreclosure of mortgages thereon, every such person shall be entitled to bring such action within twenty years from the accrual thereof, but in no case longer than ten years after the termination of such disability. Absence from the state, death, or other disability shall not operate to extend the period within which actions in rem ~~shall are~~ to be commenced by and against a nonresident or his or her representative.

Sec. 6. That section 25-1806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1806. Fees and expenses awarded by a

federal court or pursuant to sections 25-1802 to 25-1805 shall be paid in the manner provided in the State Miscellaneous Claims Act. Claims for such fees and expenses shall be filed with the State Claims Board in the manner provided in such act. from available funds in the State Civil Action Expense Fund, which is hereby created. Claims for payment from this fund shall be filed, in writing by the agency, with the State Claims Board. The board shall report each such claim to the chairperson of the appropriate committee of the Legislature at the next regular session of the Legislature convening after the filing of the claim. Such committee shall investigate each such claim and make a recommendation on the claim to the Committee on Appropriations of the Legislature. Funding for such claims shall be appropriated to the State Civil Action Expense Fund in a separate budget program through a single appropriations bill which specifies the amount awarded to each eligible claimant. Such appropriation shall be made from the General Fund or from any other fund, not otherwise appropriated, specified by the legislature, except that payment for fees and awards in cases where the court has found that an agency has acted in bad faith in initiating an action deemed by the court to be frivolous or without merit shall be made by the agency involved to the extent such funds are not otherwise appropriated, as specified by the legislature.

Sec. 7. That section 32-549, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-549. The Secretary of State shall incorporate in his or her budget the sum of five hundred dollars for the payment of claims requests for payment or reimbursement presented by the electors of the electoral college. The electors shall receive a compensation of five dollars for every day's attendance, and the same mileage as provided in section 81-1176 for state employees.

Sec. 8. That section 53-113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-113. The commissioners, the secretary, and all clerks, inspectors, and other employees shall be reimbursed for all actual and necessary traveling expenses and disbursements incurred or made by them in the discharge of their official duties as provided in sections 81-1174 to 81-1177 for state employees. The commission may also incur necessary expenses for office furniture and other incidental expenses. No

commissioner, no appointee, or employee of the commissioner, shall claim request or be allowed mileage or other traveling expenses unless the provisions of sections 81-1174 to 81-1177 are strictly complied with.

Sec. 9. That section 72-419, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-419. The trustees composing the board shall serve without compensation, but may appropriate and disburse sufficient of the funds in their control by filing a claim against request for such trust funds, to be ordered, sworn to, and allowed by the trustees as other claims against requests for payment from such county, to pay the expenses of administering their trusts.

Sec. 10. That section 72-420, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-420. The trustees composing the board shall each give a surety bond in the sum of one thousand dollars running to the county as obligee, conditioned upon the faithful performance of their duties and responsibilities as provided in sections 72-407 to 72-420 and under the bylaws adopted pursuant to said such sections. The 7 and such bond, when approved by the county attorney of the county as to form and substance, shall be filed and kept current in the office of the county clerk. All donations, or gifts, or other money that come comes into the hands of the board under the terms of said such sections shall be forthwith delivered to the county treasurer, who shall deposit, safeguard, and disburse the same from a fund of the county to be known as the Fort Fund. The 7 PROVIDED, the county treasurer shall make disbursements from such fund only upon receipt of a proper warrant or voucher signed by the chairman chairperson and attested by the secretary of the board. The board shall issue no voucher for the payment of any money from such fund unless there shall be is presented to it claims a request for payment or reimbursement duly verified by the oath of the claimant, requester and unless the claim request so verified shall be is approved by the affirmative action of two-thirds of the members-elect of the board at a regular meeting.

Sec. 11. That section 75-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-104. As seen after July 1, 1985, as the same may be payable under the Constitution of Nebraska,

each of the commissioners shall receive an annual salary of twenty-seven thousand dollars, payable in the same manner that the salaries of other state officers are paid. Commencing January 8, 1987, the salary of each commissioner shall be thirty-five thousand dollars. In addition thereto, the commissioners, secretary, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, which shall include the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other ~~claims against requests for payment or reimbursement~~ from the state. In computing the cost of transportation for the commissioners, secretary, clerks, and other employees, no mileage or other traveling expense shall be ~~claimed requested~~ or allowed unless sections 81-1174 to 81-1177 are strictly complied with.

Sec. 12. That section 77-2205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2205. If the State Treasurer is unable to pay the full amount thereof for any such warrants when they are presented to him or her due to (1) insufficient money to the credit of the funds against which such warrants are drawn, (2) not being authorized by the Board of Educational Lands and Funds to invest trust funds in state warrants, or (3) insufficient money in such trust funds to pay the same, then the owner or holder of the warrants shall be entitled to have the same registered, and not otherwise. The State Treasurer shall not pay any warrant, unless registered for any of the reasons set forth in this section, which is presented for payment more than two years after the date of its issuance, and any such warrant shall cease to be an obligation of the State of Nebraska and shall be charged off upon the books of the State Treasurer. Such warrant may, however, thereafter be presented to the State Claims Board for its consideration and recommendation which may approve a claim pursuant to the State Miscellaneous Claims Act for the amount of the warrant.

Sec. 13. That section 81-804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-804. The members of the Game and Parks Commission, other than the secretary, shall receive no salary, but shall be allowed their necessary traveling and hotel expenses and per diem of thirty-five dollars for days actually away from home on business of the

commission, not exceeding forty-five days in any one year. A request for payment or reimbursement of ~~PROVIDED~~ that mileage or other traveling ~~expense claims~~ expenses shall be allowed as provided in sections 81-1174 to 81-1177 for state employees.

Sec. 14. That section 77-2406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2406-~~ All ~~claims requests~~ of whatever nature upon the treasury of this state, before any warrant ~~shall be is~~ drawn for the payment of the same, shall be examined, adjusted, and approved by the Department of Administrative Services. All such requests shall be presented to the Director of Administrative Services with such documentation as required in the Nebraska Accounting System Manual on file with the Clerk of the Legislature and shall be audited and settled within two years after the request accrues. No warrants shall be drawn for any ~~claim request~~ until an appropriation ~~shall have~~ has been made therefor. No warrant for any ~~request for payment or reimbursement of~~ any mileage or other traveling expense ~~claims~~ shall be issued unless the same ~~shall be is~~ computed strictly in accordance with the ~~provisions of~~ sections 81-1174 to 81-1177.

Sec. 15. That section 77-2409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2409-~~ No ~~claim request~~ which has been once presented to the Department of Administrative Services, and has been disallowed in whole or in part, shall ever be again presented to such office or in any manner acted upon by it, but shall be forever barred, ~~7 unless an appeal shall have been taken as provided in section 77-2407-~~

Sec. 16. That section 77-2410, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2410-~~ When a ~~claim request~~ has been in part allowed by ~~such officers the Department of Administrative Services,~~ a warrant shall be drawn as in other cases ~~where in which~~ the whole ~~claim shall be request is~~ allowed.

Sec. 17. That section 77-2412, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2412-~~ The Director of Administrative Services shall prepare blank forms of vouchers for use in all the state's departments and for the use of all

manner of ~~claimants against requesters to~~ the state who receive their pay by warrants drawn by the director upon the State Treasurer, excepting ~~claims against the state requests~~ examined, approved, and certified to the director by the Board of Regents of the University of Nebraska, as provided by law. The vouchers shall be issued in original, duplicate, or triplicate forms as the necessities of the special institution may require.

Sec. 18. That section 77-2416, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2416-~~ Any person, making any false statement as to any material thing in a request for payment or reimbursement claim against the state, shall be deemed guilty of perjury and shall be punished accordingly.

Sec. 19. That section 81-8,209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,209. The State of Nebraska shall not be liable for the torts of its officers, agents, or employees, and no suit shall be maintained against the state or any state agency on any tort claim except to the extent, and only to the extent, provided by ~~this act~~ the State Tort Claims Act. The Legislature further declares that it is its intent and purpose through ~~this enactment~~ such act to provide uniform procedures for the bringing of tort claims against the state, and that the procedures provided by ~~this~~ such act shall be used to the exclusion of all others.

Sec. 20. That section 81-8,210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,210. As used in ~~this act~~ the State Tort Claims Act, unless the context otherwise requires:

(1) State agency shall include all departments, agencies, boards, bureaus, and commissions of the State of Nebraska, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the State of Nebraska; but shall not include corporations that are essentially private corporations. State agency shall not be construed to include any contractor with the State of Nebraska;

(2) State Claims Board shall mean the board created by section 81-8,220;

(3) Employee of the state shall mean any one or more officers or employees of the state or any state agency, and shall include duly appointed members of

boards or commissions when they are acting in their official capacity. State employee shall not be construed to include any contractor with the State of Nebraska;

(4) Tort claim shall mean any claim against the State of Nebraska for money only on account of damage to or loss of property or on account of personal injury or death; caused by the negligent or wrongful act or omission of any employee of the state, while acting within the scope of his or her office or employment, under circumstances where in which the state, if a private person, would be liable to the claimant for such damage, loss, injury, or death; but shall not include any claim accruing before January 1, 1970; and

(5) Award shall mean any amount determined by the State Claims Board to be payable to a claimant under section 81-8,211; or the amount of any compromise or settlement under section 81-8,218.

Sec. 21. That section 81-8,211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,211. Authority is hereby conferred upon the State Claims Board, acting on behalf of the State of Nebraska, to consider, ascertain, adjust, compromise, settle, determine, and allow any tort claim, ~~as defined in this act.~~ If any tort claim is compromised, settled, or allowed in an amount of more than five thousand dollars, the unanimous approval of all members of the State Claims Board shall be required and such claims also shall be submitted for approval by the district court for Lancaster County. When approval of the district court is required, the Attorney General shall make application for such approval and shall file with the application a complete record of the action of the State Claims Board on such claim. The claimant may join in such application, and if the claimant does so, the court may proceed to act on the application without further notice to either party. If the claimant does not join in the application, the court shall require actual notice to all parties before acting on the application. The court may deny the application for any legal and sufficient reason or may direct the State Claims Board to conduct further hearings on any material issues. The fees of the clerk of the district court for filing, docketing, and indexing such application shall be five dollars.

Sec. 22. That section 81-8,212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,212. All tort claims under this act shall be filed with the Risk Manager ~~of~~ in the manner prescribed by the State Claims Board. The Risk Manager shall immediately advise the Attorney General of the filing of any claim. It shall be the duty of the Attorney General to cause a complete investigation to be made of all such claims and serve as a legal advisor to the State Claims Board on all such claims. In any suit brought under this act the State Tort Claims Act, service of process shall be made in the manner provided for service of a summons in a civil action.

Sec. 23. That section 81-8,213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,213. No suit shall be permitted under this act the State Tort Claims Act unless the State Claims Board has made final disposition of the claim, except that if the board does not make final disposition of a claim within six months after the claim is made in writing to the board, the claimant may, by notice in writing, withdraw the claim from consideration of the board and begin suit under this such act.

Sec. 24. That section 81-8,214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,214. The district court, sitting without a jury, shall have exclusive jurisdiction to hear, determine, and render judgment on any suit or tort claim, as defined in this act. Suits shall be brought in the district court of the county in which the act or omission complained of occurred, or, if the act or omission occurred outside the boundaries of the State of Nebraska, in the district court for Lancaster County.

Sec. 25. That section 81-8,215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,215. In all suits brought under this act the State Tort Claims Act, the state shall be liable in the same manner, and to the same extent as a private individual under like circumstances, except that no writ of execution shall issue against the state or any state agency, and disposition of or offer to settle any claim made under this such act shall not be competent evidence of liability of the state or any employee or the amount of damages.

Sec. 26. That section 81-8,215.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,215.01. In case of death, injury, or

property damage to any innocent third party proximately caused by the action of a law enforcement officer employed by the state during vehicular pursuit, damages shall be paid to such third party by the state. ~~This section shall be considered part of the State Tort Claims Act and the provisions of sections 81-8,209 to 81-8,235 shall apply-~~

For purposes of this section, vehicular pursuit shall mean an active attempt by a law enforcement officer operating a motor vehicle to apprehend one or more occupants of another motor vehicle, when the driver of the fleeing vehicle is or should be aware of such attempt and is resisting apprehension by maintaining or increasing his or her speed, ignoring the officer, or attempting to elude the officer while driving at speeds in excess of those reasonable and proper under the conditions.

Sec. 27. That section 81-8,216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,216. In all suits brought under ~~this act~~ the State Tort Claims Act, the district courts shall follow the rules of civil procedure applicable to private litigants, and costs shall be allowed in all courts to the successful claimant to the same extent as if the state was a private litigant. Judgments shall be subject to appeal to the Supreme Court in the same manner as other judgments of the district court.

Sec. 28. That section 81-8,217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,217. Final judgment in any suit under ~~this act~~ the State Tort Claims Act shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the state whose act or omission gave rise to the claim. ~~This~~ ~~7~~ ~~PROVIDED,~~ ~~this~~ section shall not apply if the court rules that the claim is not permitted under ~~this act~~ the State Tort Claims Act.

Sec. 29. That section 81-8,218, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,218. The Attorney General shall represent the state in any suit brought under ~~this act,~~ the State Tort Claims Act and is authorized to compromise or settle any such suit, with the approval of the court in which such suit is pending.

Sec. 30. That section 81-8,219, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

81-8,219. (1) Sections 81-8,209 to 81-8,239
The State Tort Claims Act shall not apply to:

(a) Any claim based upon an act or omission of an employee of the state, exercising due care, in the execution of a statute, rule, or regulation, whether or not such statute, rule, or regulation be is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state agency or an employee of the state, whether or not the discretion be is abused;

(b) Any claim arising in respect to the assessment or collection of any tax or fee, or the detention of any goods or merchandise by any law enforcement officer;

(c) Any claim for damages caused by the imposition or establishment of a quarantine by the state; whether such quarantine relates to persons or property;

(d) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(e) Any claim by an employee of the state which is covered by the Nebraska Workers' Compensation Act; or

(f) Any claim based on activities of the Nebraska National Guard; when such claim is cognizable under the National Guard Tort Claims Act of the United States, 32 U.S.C.A. 715, or when such claim accrues as a result of active federal service or state service at the call of the Governor for quelling riots and civil disturbances.

(2) With respect to any tort claim based on the alleged insufficiency or want of repair of any highway or bridge on the state highway system, it is the intent of the Legislature to waive the state's immunity from suit and liability to the same extent that liability has been imposed upon counties pursuant to section 23-2410, and only to that extent. The Legislature further declares that judicial interpretations of section 23-2410 governing the liability of counties on December 25, 1969, also shall be controlling on the liability of the state for the alleged insufficiency or want of repair of any highway or bridge. It is the further intent of the Legislature that the words insufficiency or want of repair shall refer to a spot or localized highway defect and shall not be construed to refer to the general or overall

condition of a highway.

Sec. 31. That section 81-8,220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,220. The Director of Insurance, Commissioner of Labor, and Director of Administrative Services shall constitute the State Claims Board, which shall be a part of the Risk Management Program for the State of Nebraska created by section 81-8,239.01. The Attorney General shall be its legal advisor. The members of the board shall receive no compensation for their services, except that provided by law for the offices they hold, but they shall be allowed necessary traveling expenses, in performing the duties imposed by this act the State Tort Claims Act as provided in sections 81-1174 to 81-1177 for state employees. The board shall hire a Risk Manager to perform the duties set forth in section 81-8,239.01.

Sec. 32. That section 81-8,221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,221. The State Claims Board shall adopt and promulgate such rules and regulations as are necessary to carry out the provisions of this act, pursuant to Chapter 84, article 9 State Tort Claims Act.

Sec. 33. That section 81-8,222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,222. There is hereby established within the Department of Justice a Claims Division, to be headed by a deputy an assistant attorney general, appointed by and under the control of the Attorney General. The Attorney General may authorize the deputy assistant attorney general in charge of the Claims Division to perform any of the duties imposed upon the Attorney General by this act, the State Tort Claims Act and may employ other persons, firms, or corporations to investigate claims under this the act.

Sec. 34. That section 81-8,223, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,223. Any award made under this act the State Tort Claims Act and accepted by the claimant shall be final and conclusive on all officers of the State of Nebraska, except when procured by means of fraud. The acceptance by the claimant of such award shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the state and against the employee of the state whose

act or omission gave rise to the claim, by reason of the same subject matter.

Sec. 35. That section 81-8,224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,224. Any award to a claimant and any judgment in favor of a claimant under ~~this act~~ the State Tort Claims Act shall be certified by the State Claims Board to the Director of Administrative Services who shall promptly issue a warrant for payment of such award or judgment out of the Tort Claims Fund, if sufficient money is available in such fund, except that no portion in excess of fifty thousand dollars of any award or judgment shall be paid until such award or judgment has been reviewed by the Legislature and specific appropriation made therefor. All awards and judgments which arise out of the same ~~or similar~~ facts and circumstances shall be aggregated for the purpose of determining whether such awards and judgments shall be reviewed by the Legislature and specific appropriation made therefor. Delivery of any warrant in satisfaction of an award or judgment shall be made only upon receipt of a written release by the claimant in a form approved by the State Claims Board.

Sec. 36. That section 81-8,225, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,225. There is hereby established in the state treasury a Tort Claims Fund from which all awards or judgments under ~~this act~~ the State Tort Claims Act shall be paid. This fund shall be in such amount as the Legislature ~~shall determine~~ determines to be reasonably sufficient to meet anticipated claims. When the amount of money in the Tort Claims Fund is not sufficient to pay any awards or judgments under ~~this~~ such act, the Risk Manager shall immediately advise the Legislature, and request an emergency appropriation to satisfy such awards and judgments. Any money in the Tort Claims Fund available for investment shall be invested by the state investment officer pursuant to ~~the provisions of~~ sections 72-1237 to ~~72-1259~~ 72-1269.

Sec. 37. That section 81-8,226, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,226. The Risk Manager shall report to the Clerk of the Legislature all claims and judgments paid under ~~this act~~ the State Tort Claims Act. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded,

and a brief description of the claim, including the agency and program or activity under which the claim arose. Each member of the Legislature shall receive a copy of such report by making a request for it to the Risk Manager.

Sec. 38. That section 81-8,227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,227. (1) Every tort claim permitted under ~~this act~~ the State Tort Claims Act shall be forever barred unless within two years after such claim accrued the claim is made in writing to the State Claims Board in the manner provided by ~~this such~~ this such act. The time to begin suit under ~~this such~~ this such act shall be extended for a period of six months from the date of mailing of notice to the claimant by the board as to the final disposition of the claim, or from the date of withdrawal of the claim from the board under section 81-8,213, if the time to begin suit would otherwise expire before the end of such period.

(2) If a claim is made or filed under any other law of this state and a determination is made by a state agency or court that ~~this act~~ the State Tort Claims Act provides the exclusive remedy for the claim, the time to make a claim and begin suit under ~~this such~~ this such act shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by a state agency, if the time to make the claim and to begin suit under ~~this such~~ this such act would otherwise expire before the end of such period. The time to begin a suit under ~~this such~~ this such act may be further extended as provided in subsection (1) of this section.

(3) If a claim is brought under the Nebraska Hospital-Medical Liability Act, the filing of a request for review under section 44-2840 shall extend the time to begin suit under the State Tort Claims Act an additional ninety days following the issuance of the opinion by the medical review panel if the time to begin suit under the State Tort Claims Act would otherwise expire before the end of such ninety-day period.

(4) This section and section 25-213 shall constitute the only statutes of limitations applicable to ~~this act~~ the State Tort Claims Act.

Sec. 39. That section 81-8,228, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,228. The court rendering a judgment for the claimant under ~~this act~~ the State Tort Claims Act,

or the State Claims Board making an award under section 81-8,211, or the Attorney General settling a claim under section 81-8,218, shall determine and allow reasonable attorneys' attorney's fees and expenses, to be paid out of but not in addition to the amount of judgment or award recovered, to the attorneys representing the claimant.

Sec. 40. That section 81-8,229, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,229. From and after December 25, 1969, the authority of any state agency to sue or be sued in its own name shall not be construed to authorize suits against such state agency on tort claims except as authorized in this act the State Tort Claims Act. The remedies provided by this such act in such cases shall be exclusive.

Sec. 41. That section 81-8,230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,230. Nothing in this act the State Tort Claims Act shall be deemed to repeal any provision of law authorizing any state agency to consider, ascertain, adjust, compromise, settle, determine, allow, or pay any claim other than a tort claim, as defined in this act.

Sec. 42. That section 81-8,231, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,231. Whenever a claim or suit against the state or a state agency is covered by liability insurance or by group self-insurance provided by a risk management pool, the provisions of the liability insurance policy on defense and settlement of claims or the provisions of the agreement forming the risk management pool and related documents providing for defense and settlement of claims covered under such group self-insurance shall be applicable notwithstanding any inconsistent provisions of sections 60-1008 and 81-8,209 to 81-8,239 the State Tort Claims Act. The Attorney General and the State Claims Board shall cooperate with the insurance company or risk management pool.

Sec. 43. That section 81-8,232, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,232. Nothing in this act the State Tort Claims Act shall be construed to prevent the state from bringing an action for recovery from an employee of the state when the state has made payment of an award or

settlement growing out of the employee's act or omission under ~~this act~~ the State Tort Claims Act.

Sec. 44. Sections 44 to 51 of this act shall be known and may be cited as the State Miscellaneous Claims Act.

Sec. 45. As used in the State Miscellaneous Claims Act, miscellaneous claim shall mean any claim against the state for which there is no other specific provision of law for the resolution of such claim.

Sec. 46. The State Claims Board shall have the power and authority to receive and investigate miscellaneous claims against the state.

Sec. 47. The State Claims Board shall have the power and authority to receive, investigate, and otherwise carry out its duties with regard to (1) all claims under the State Miscellaneous Claims Act, (2) all claims under sections 25-1802 to 25-1807, (3) all claims under the State Contract Claims Act, and (4) all requests on behalf of any department, board, or commission of the state for waiver or cancellation of money or charges when necessary for fiscal or accounting procedures. All such claims or requests and supporting documents shall be filed with the Risk Manager and shall be designated by number, name of claimant as requester, and short title. Nothing in this section shall be construed to be a waiver of the sovereign immunity of the state beyond what is otherwise provided by law.

The board shall adopt and promulgate such rules and regulations as are necessary to carry out the powers granted in this section. The Attorney General shall be the legal advisor to the board for purposes of this section and may authorize the assistant attorney general in charge of the Claims Division to perform any of his or her duties under this section.

Sec. 48. That section 81-8,237, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-8,237.~~ The State Claims Board shall meet at such times and places, and shall make such investigation of each claim or request referred to in section ~~47~~ of this act 81-8,236, as it ~~shall determine~~ determines necessary. If the board deems a hearing to be necessary or advisable, on any claim or request so filed, it shall give to the claimant at least ~~five ten~~ five ten days' notice, by ~~either registered or certified regular~~ either registered or certified regular mail, of the time and place of hearing.

Sec. 49. That section 81-8,238, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,238- The State Claims Board shall, for the purposes contemplated by sections 81-8,236 to 81-8,239, the State Contract Claims Act, the State Miscellaneous Claims Act, and sections 25-1802 to 25-1807, have the right, power, and duty to (1) administer oaths, (2) compel the attendance of witnesses and the production of books, papers, and documents and issue subpoenas for such purposes, and (3) punish the disobedience of such a subpoena or subpoenas, the refusal of a witness to be sworn or testify or the failure to produce books, papers, and documents, as required by such subpoena or subpoenas so issued, as contempt, in the same manner as are officers who are authorized to take depositions.

Sec. 50. That section 81-8,239, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,239- After investigation, the State Claims Board shall either approve, approve with conditions or limitations, or disapprove of each claim or request and append to the claim or request a concise statement of the facts brought out in such investigation upon which its approval or disapproval is based. Such claim or request, together with the original papers supporting it and the appended statement, shall be filed in the office of with the Risk Manager in the manner prescribed by the State Claims Board. The Risk Manager shall promptly notify each claimant of the decision by the State Claims Board on his or her claim by regular mail. The notification shall include (1) the decision of the State Claims Board, (2) a statement that a dissatisfied claimant may have his or her claim reviewed by the Legislature upon application, (3) the procedure for making an application for review, and (4) the time limit for making such application.

If the claimant is dissatisfied with the decision, he or she may file an application for review by the Legislature. The application for review shall be filed with the Risk Manager in the manner prescribed by the State Claims Board. The application for review shall be filed within sixty days after the date of the decision by the State Claims Board on the claim.

Each claim which has been approved or for which an application for review has been filed and each request referred to in section 47 of this act shall be and delivered by the Risk Manager to the chairperson of the appropriate committee Business and Labor Committee of the next Legislature at the next regular session of the Legislature convening after the filing of the claim

or request date of the decision of the board. The Risk Manager may direct the payment by the state agency involved of any claim approved by the board not in excess of two thousand dollars when if such payment is agreed to by the head of the agency involved. The State Claims Board may direct payment by the state agency involved of any claim not in excess of ten thousand dollars if such payment is agreed to by the head of the agency involved and the agency has sufficient funds to pay the claim. If claims approved by the Risk Manager or State Claims Board arise out of the same or similar facts and circumstances, they shall be aggregated. If the aggregate amount exceeds two thousand dollars, such claims If the Risk Manager or State Claims Board does not direct the payment of a claim as set forth in this section or the claim exceeds the dollar limitations set forth in this section, the claim shall be reviewed by the Legislature and an appropriation made therefor, if appropriate. The Risk Manager shall report all claims and judgments paid under the State Miscellaneous Claims Act to the Clerk of the Legislature and the Chairperson of the Business and Labor Committee of the Legislature. The report shall include the name of the claimant, a statement of the amount claimed and paid, and a brief description of the claim including the agency and program or activity under which the claim arose. Any member of the Legislature may receive a copy of the report by making a request to the Risk Manager.

Sec. 51. Any award made under the State Contract Claims Act, the State Miscellaneous Claims Act, or section 25-1806 and accepted by the claimant shall be final and conclusive on all officers of the State of Nebraska except when procured by means of fraud. The acceptance by the claimant of such award shall be final and conclusive on the claimant and shall constitute a complete release by the claimant of any claim against the state and against the employee of the state whose act or omission gave rise to the claim by reason of the same subject matter.

Sec. 52. Sections 52 to 56 of this act shall be known and may be cited as the State Contract Claims Act.

Sec. 53. As used in the State Contract Claims Act, unless the context otherwise requires:

(1) Contract claim shall mean a claim against the state involving a dispute regarding a contract between the State of Nebraska or a state agency and the claimant other than employment contracts covered by the State Personnel System or entered into pursuant to the

State Employees Collective Bargaining Act:

(2) Contracting agency shall mean the state agency which is a party to a contract which gives rise to the contract claim; and

(3) State agency shall mean all departments, agencies, boards, bureaus, and commissions of the State of Nebraska and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the State of Nebraska but shall not include corporations that are essentially private corporations. State agency shall not be construed to include any contractor with the State of Nebraska.

Sec. 54. All contract claims shall be filed with the Risk Manager in the manner prescribed by the State Claims Board. Contract claims shall be filed on forms provided by the Risk Manager, and each claimant shall include at least the following information: (1) A copy of the contract allegedly breached; (2) the manner in which the contract was allegedly breached; and (3) the damages incurred as a result of the alleged breach. The Risk Manager shall immediately advise the Attorney General and the contracting agency in writing of the filing of any such claim. The contracting agency shall cause an investigation to be made of all such claims. The Attorney General shall serve as a legal advisor to the State Claims Board on all such claims.

Sec. 55. (1) If agreed to by the claimant and the contracting agency, the State Claims Board shall have the authority to consider, ascertain, adjust, compromise, settle, determine, or allow any contract claim. Upon receipt of a contract claim, the Risk Manager shall immediately notify the claimant and the contracting agency of the option of having the dispute submitted to the State Claims Board.

(2) If the claimant and the contracting agency agree to submit the dispute to the State Claims Board as provided in subsection (1) of this section, the board shall resolve such dispute in the manner provided under the State Miscellaneous Claims Act. For claims submitted to the board under this subsection, the contracting agency shall provide the board with all documents and information relating to the claim which the contracting agency obtained during its investigation.

(3) If either the claimant or the contracting agency objects in writing to submission of the dispute to the State Claims Board within ninety days of mailing of the notice required in subsection (1) of this section, the board shall have no further jurisdiction

over the claim and the claimant may initiate an action in the district court of Lancaster County.

Sec. 56. Except as provided in section 25-213, every contract claim permitted under the State Contract Claims Act shall be forever barred unless the claim is filed with the Risk Manager within two years of the time at which the claim accrued. The State Contract Claims Act shall provide the exclusive remedy for resolving contract claims.

Sec. 57. That section 81-8,239.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,239.03. The Risk Manager shall present a budget request as provided in section 81-1113 for the Risk Management Program, which shall separately state the amount requested for the Tort Claims Fund, State Insurance Fund, State Self-Insured Property Fund, State Self-Insured Indemnification and Liability Fund, and the Workers' Compensation Claims Fund, and such budget shall be based on the projected needs for such funds. The amounts for such funds attributable to each fund non-general-fund agencies shall be separately stated and paid into the funds from an appropriation to each each fund non-general-fund agency. If the amount of money in any of such funds ~~shall~~ is not be sufficient to pay any awards or judgments authorized by sections 48-192 to 48-1,109 and ~~81-8,209 to 81-8,239~~ or the State Tort Claims Act, the Risk Manager shall immediately advise the Legislature and request an emergency appropriation to satisfy such awards and judgments. Any money in such funds available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 58. That section 81-1170, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~81-1170.~~ All persons having claims against the state, except claims for overpayment of estate taxes and except claims within the jurisdiction of the State Claims Board, shall exhibit the same, with the evidence in support thereof, to the Director of Administrative Services to be audited, settled, and allowed within two years after such claims shall accrue. All persons having claims for refunds for the overpayment of estate taxes shall have a period of four years after the date of such overpayment in which to file a claim for the amount of such overpayment with the Tax Commissioner.

Sec. 59. That section 81-1171, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

81-1171. In all suits brought in behalf of the state, no debt or claim request for payment or reimbursement shall be allowed against the state as a setoff unless it has been exhibited to the Director of Administrative Services and allowed or disallowed by him, or her except only in cases where it shall be when it is proved to the satisfaction of the court that the defendant at the time of the trial is in possession of vouchers which he or she could not produce to the director, or that he or she was prevented from exhibiting the claims requests to the director by absence from the state, sickness, or unavoidable accident. The ; PROVIDED, the director shall in no case audit a claim request or setoff which is not provided by law.

Sec. 60. That section 81-1174, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1174. Whenever any state officer, employee, or member of any commission, council, committee, or board of the state is entitled to be reimbursed for actual expenses incurred by him or her in the line of duty, he or she shall be required to present a claim request for payment or reimbursement each month to the Director of Administrative Services. Each claim request shall be fully itemized, including when, where, and why the expense was incurred and the actual amount involved. When reimbursement is claimed requested for mileage by automobile, air travel by commercial carrier, air travel in airplanes chartered by the department or agency, or air travel by personally rented airplane, the points between which such travel occurred, the times of arrival and departure, and the necessity and purpose of such travel shall be shown on such claim request. When reimbursement is claimed requested for mileage by automobile, the license number, the owner of the automobile used, and the rate per mile being claimed requested shall also be shown on each claim request. The Accounting Administrator may require less supporting detail for claims requests covered in this section, but shall not impose reporting requirements which exceed those listed, unless specifically authorized by other provisions of law. No claim request shall be submitted by an individual for an expense when such expense has been paid by the agency or department concerned. When reimbursement for expenses incurred in air travel by privately owned airplane is claimed requested, the cost of operating the airplane at rates per mile as

established by the Department of Administrative Services shall be shown on such ~~claim~~ request. Travel by privately owned airplane or personally rented airplane shall only be authorized when it is more economical than surface transportation or will result in a substantial savings of expense or productive time. The statement of expenses shall be duly verified and supported by receipts for all of such expenditures, except meals and immaterial items identified by the director, for which reimbursement is ~~claimed~~ requested. No charge for mileage shall be allowed when such mileage accrues while using an automobile owned by the State of Nebraska. No personal maintenance expenses shall be allowed to any state officer, employee, or member of any commission, council, committee, or board of the state when such expenses are incurred in the city or town in which the residence or primary work location of such individual is located, except that individuals required to attend official functions, conferences, or hearings within such location, not to include normal day-to-day operations of the department, agency, commission, council, committee, or board, may be paid or reimbursed in accordance with policies established by the Director of Administrative Services. The approval to attend a function, conference, or hearing shall be obtained from the director of the department, agency, commission, council, committee, or board prior to an individual's attendance at such function, conference, or hearing. Nothing in this section shall be construed to prohibit the furnishing of coffee, tea, and any similar beverage by the Legislature or the Legislative Council to its employees or guests.

Sec. 61. That section 81-1175, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1175. In examining the vouchers, bills, and ~~claims requests for payment or reimbursement~~ as provided for in section 81-1174, no such voucher, bill, or ~~claim request~~ for travel expenses shall be approved unless written authorization for the same ~~shall have has~~ been given by the (1) director, deputy director, or other titular head of the several state administrative departments, (2) elective or appointive state officer, (3) chairperson of a state commission, council, committee, or board, or (4) titular head or proper disbursing officer of any other state expending agency, including the University of Nebraska, state colleges, and state institutions, before such traveling ~~expense shall be~~ expenses are incurred, except that such prior

authority need not be obtained by peace officers of the State of Nebraska.

Sec. 62. That section 81-1176, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1176. (1) If a trip or trips, included in an expense claim a request for payment or reimbursement filed under sections 81-1174 and 81-1175, are made by personal automobile or otherwise, only one mileage claim request shall be allowed for each mile actually and necessarily traveled in each calendar month by the most direct route, regardless of the fact that one or more persons are transported in the same motor vehicle. Reimbursement on such claims requests shall be computed on the following basis: If a trip is made by personal automobile at the convenience of the agency involved, the reimbursement rate shall be twenty-one cents per mile. If a trip is made by personal automobile primarily at the convenience of the state officer or employee, as previously agreed upon by the officer or employee and the agency involved, the reimbursement rate shall be the prevailing rate established by the transportation services bureau of the Department of Administrative Services. Funds expended for parking may be claimed requested in addition to mileage.

(2) The payment of mileage shall be limited to the actual cost of travel at the rates established in subsection (1) of this section or the cost of commercial transportation, whichever is less. Savings of productive time shall be taken into consideration when making the comparison. No additional rate of mileage shall be allowed to state inspectors or others who carry state equipment by motor vehicle, regardless of the weight thereof.

(3) Any future adjustments made to the reimbursement rate provided in subsection (1) of this section shall be deemed to apply to all provisions of law which refer to this section for the computation of mileage.

Sec. 63. That section 81-1177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1177. The Director of Administrative Services is required to have prepared a uniform traveling expense account form to be used by all state officers and employees when rendering making a request for payment or reimbursement for traveling expenses. expense statements to the director for approval and payment. No traveling expense statement request shall

be approved for payment unless it is made on the form prescribed and furnished by the director.

Sec. 64. That section 83-195, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-195. In the performance of its duties, the Board of Parole, or any member thereof, shall have the power to issue subpoenas, to compel the attendance of witnesses; and the production of books, papers, and other documents pertinent to the subject of an inquiry, and to administer oaths and ~~to~~ take the testimony of persons under oath. Subpoenas so issued may be served by any sheriff, constable, police officer, parole officer, or peace officer; in the same manner as similar process in the district court. Any person who knowingly testifies falsely, submits any false affidavit or deposition, fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the subpoena; shall be subject to the same orders and penalties to which a person before the district court is subject. Any district court of this state, upon application by the board, may compel the attendance of such witnesses, the production of such material, and the giving of testimony before the board; by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such court. Every person shall attend as a witness when subpoenaed anywhere within the state; and shall be entitled to the same fees, if ~~claimed~~ requested, as a witness in the district court and mileage as provided in section 81-1176 for state employees. Fees, mileage, and actual expense, if any, necessarily incurred in securing the attendance of witnesses shall be paid by the board.

Sec. 65. That section 83-1,128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,128. In the performance of official duties, the Board of Pardons or any member thereof shall have the power to issue subpoenas, to compel the attendance of witnesses; and the production of books, papers, and other documents pertinent to the subject of an inquiry, and to administer oaths and ~~to~~ take the testimony of persons under oath. Subpoenas so issued may be served by any sheriff, constable, police officer, parole officer, or peace officer; in the same manner as similar process in the district court. Any person who knowingly testifies falsely, submits any false affidavit or deposition, fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the

subpoena, shall be subject to the same orders and penalties to which a person before the district court is subject. Any district court of this state, upon application by the board, may compel the attendance of such witnesses, the production of such material, and the giving of testimony before the board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such court. Every person shall attend as a witness when subpoenaed anywhere within the state, and shall be entitled to the same fees, if ~~claimed~~ requested, as a witness in the district court and mileage as provided in section 81-1176 for state employees. Fees, mileage, and actual expense, if any, necessarily incurred in securing the attendance of witnesses shall be paid by the board.

Sec. 66. That section 84-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-213. Whenever the Attorney General undertakes any investigation contemplated by ~~sections 59-821, 59-828, 59-829, and 84-211 to 84-214~~ section 59-828, 84-211, or 84-212, he or she shall have the authority, prior to commencement of any action, to subpoena witnesses, compel their attendance, examine them under oath, or require the production of any books, documents, records, writings, or tangible things ~~hereafter~~ referred to in this section as documentary material, which he or she deems relevant or material to the investigation, for inspection, reproducing, or copying under such terms and conditions as are set forth in this section. Any subpoena issued by the Attorney General shall contain the following information: (1) The section of the statutes, the alleged violation of which is under investigation, and the general subject matter of the investigation; (2) the date and place at which time the person is required to appear or produce documentary material in his or her possession, custody, or control, which date shall not be less than ten days from the date of service of the subpoena; and (3) a description of any documentary material required by class so as to clearly indicate the material demanded. He or she may require the production of documentary material prior to the taking of any testimony of the person subpoenaed, in which event the documentary material shall be made available for inspection and copying during normal business hours at the principal place of business of the person served or at such other time and place as may be agreed upon by the person served and the Attorney General. When documentary

material is demanded by subpoena, the subpoena shall not contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state, or require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state. Service of such subpoena shall be in the same manner as subpoenas issued by a court in this state, and service on a corporation may be made on its resident agent. The examination of all witnesses under this section shall be conducted by the Attorney General or by an assistant or special assistant attorney general designated by him or her in writing, and the testimony shall be taken stenographically or by a sound-recording device and shall be transcribed. All persons served with a subpoena by the Attorney General under sections 59-821, 59-828, 59-829, and 84-211 to 84-214 shall be paid the same fees as paid witnesses in the courts of this state and mileage as provided in section 81-1176 for state employees, which shall be paid the same as other ~~claims~~ against requests for payment or reimbursement from the state at the time such person appears in response to the subpoena. If a witness served with a subpoena under such sections 59-821, 59-828, 59-829, and 84-211 to 84-214 fails or refuses to obey the same or produce documentary material as required or to give testimony relevant or material to the investigation being conducted, the Attorney General may petition the district court of Lancaster County or the county wherein in which the witness resides for an order requiring the witness to attend and testify or produce the documentary material demanded. Any failure or refusal on the part of the witness to obey such an order of court may be punishable by the court as a contempt thereof. In any investigation brought by the Attorney General pursuant to ~~sections 59-821, 59-828, 59-829, and 84-211 to 84-214~~ section 59-828, 84-211, or 84-212, no individual shall be excused from attending, testifying, or producing documentary material, objects, or tangible things in obedience to a subpoena or under order of the court on the ground that the testimony or evidence required of him or her may tend to incriminate him or her or subject him or her to any criminal penalty for or on account of any testimony given by him or her in any investigation brought by the Attorney General pursuant to such sections. No 59-821, 59-828, 59-829, and 84-211 to 84-214, PROVIDED, no person shall be prosecuted or be subjected to any penalty or forfeiture for or on account

of any transaction, matter, or thing concerning which he or she may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under such sections, and 59-821, 59-828, 59-829, and 84-211 to 84-214; AND PROVIDED FURTHER, that no individual so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying.

Sec. 67. That section 85-122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-122. The several funds for the support of the university shall be constituted and designated as follows: (1) The Permanent Endowment Fund; (2) the Temporary University Fund; (3) the University Cash Fund; (4) the United States Morrill Fund; (5) the United States Experiment Station Fund; (6) the University Trust Fund; (7) the United States Agricultural Extension Fund; (8) the Veterinary School Fund; (9) the University of Nebraska at Omaha Cash Fund; (10) the University of Nebraska at Omaha Trust Fund; (11) the Agricultural Field Laboratory Fund; (12) the Animal Research and Diagnosis Revolving Fund; (13) the University Buildings Renovation and Land Acquisition Fund; (14) the University Facilities Construction Fund; and (15) the University Facility Improvement Fund. No portion of the funds designated above derived from taxation shall be disbursed for mileage or other traveling expenses except as authorized by sections 81-1170 and 81-1174 to 81-1177. No expenditures shall be made for or on behalf of the School of Veterinary Medicine and Surgery except from money appropriated to the Veterinary School Fund. Any money in the funds designated in this section available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 68. That section 85-130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-130. The university funds, other than those created by taxation, shall be held subject to the order of the Board of Regents, and shall be disbursed for the purposes prescribed by law, upon presentation of warrants to the Director of Administrative Services, to be issued on certificates of the Board of Regents executed as required by law, except; PROVIDED, that no portion of said such funds, not created by taxation, shall be disbursed for mileage or other traveling expenses, save and except as provided in sections 81-1170 and 81-1174 to 81-1177.

Sec. 69. That section 85-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-301. The existing institutions known as the state colleges located at Chadron, Kearney, Peru, and Wayne shall hereafter be known and designated as Chadron State College, Kearney State College, Peru State College, and Wayne State College, respectively. The general government thereof shall be vested, under the direction of the Legislature, in a board of seven members, to be known as the Board of Trustees of the Nebraska State Colleges, six of whom shall be appointed by the Governor, with the advice and consent of the Legislature, two each for a term terms of two, four, and six years; and two each biennium thereafter for a term terms of six years, and the Commissioner of Education shall be a member ex officio. The duties and powers of the board shall be prescribed by law, and the members thereof shall receive no compensation for the performance of their duties; but may be reimbursed their actual expenses incurred therein, except that ; PROVIDED, members of the Board of Trustees of the Nebraska State Colleges shall not be entitled to reimbursement for mileage or other traveling expense as part of their actual expenses; save and except on the basis provided for in sections 81-1170 and 81-1174 to 81-1177.

Sec. 70. That section 85-316, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-316. All funds appropriated for the use and benefit of the state colleges, together with the income arising from the lease and sale of endowment lands belonging to such colleges, shall be under the direction and control of the board of trustees, subject to the provisions herein contained, except that each college may retain in its possession a sum, not to exceed twenty-five thousand dollars, out of which to make settlement and equitable adjustments with students entitled thereto, to make payments for day-to-day operations calling for immediate payment, and to provide for contingencies. The State Treasurer shall pay, out of the proper funds; all warrants for money to be expended under sections 85-301 to 85-318, such warrants to be drawn by the Director of Administrative Services on certificates by the president of the state college. All claims and accounts requests for payment or reimbursement for mileage or other traveling expense shall be audited and allowed on the basis of the

provisions set forth in sections ~~81-1170~~ and 81-1174 to 81-1177. No expenditure for traveling expenses to other states shall be authorized by the board for any college employee, unless approval for such trip ~~shall~~ is first be granted by the president. The request shall be submitted to the president of such state college and approved in writing by him or her.

Sec. 71. This act shall become operative on July 1, 1988.

Sec. 72. That original sections 24-319, 24-321, 24-731, 24-733, 25-1806, 32-549, 53-113, 72-419, 72-420, 75-104, 77-2205, 77-2406, 77-2409, 77-2410, 77-2412, 77-2416, 81-804, 81-8,209 to 81-8,232, 81-8,237 to 81-8,239, 81-8,239.03, 81-1170, 81-1171, 81-1174 to 81-1177, 83-195, 83-1,128, 84-213, 85-122, 85-130, 85-301, and 85-316, Reissue Revised Statutes of Nebraska, 1943, and section 25-213, Revised Statutes Supplement, 1986, and also sections 81-8,234, 81-8,236, 81-1172, and 81-1173, Reissue Revised Statutes of Nebraska, 1943, and section 77-2407, Revised Statutes Supplement, 1987, are repealed.

Sec. 73. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.