

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 353

Introduced by Baker, 30.

Read first time January 12, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to political subdivisions; to amend section
- 2 13-918, Reissue Revised Statutes of Nebraska; to change provisions
- 3 relating to the payment of claims, awards, and judgments under the
- 4 Political Subdivisions Tort Claims Act; to repeal the original
- 5 section; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-918, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-918 Any claims, awards, or judgments pursuant to the Political
4 Subdivisions Tort Claims Act and sections 16-727, 16-728, 23-175, 39-809,
5 77-1619, 77-1620, and 79-610 shall be paid in the same manner as other
6 claims, awards, or judgments against the political subdivision. If
7 insufficient funds are available to pay the claims, ~~such~~ awards, or
8 judgments the governing body shall include sufficient funds in the budget
9 for the next fiscal year or biennial period. If constitutional or
10 statutory provisions prevent any political subdivision from budgeting
11 sufficient funds to pay any claim, award, or judgment in its entirety,
12 the governing body shall pay that portion that can be paid under the
13 constitution and laws and then shall make application to the State
14 Treasurer for the loan of sufficient funds to pay the claim, award, or
15 judgment in full. When application is made for such a loan, the State
16 Treasurer shall make such investigation as he or she deems necessary to
17 determine the validity of the claim, award, or judgment and the inability
18 of the political subdivision to make full payment on the claim, award, or
19 judgment, and the period of time during which the political subdivision
20 will be able to repay the loan. After determining that such loan will be
21 proper, the State Treasurer shall make the loan from funds available for
22 investment in the state treasury, which loan shall carry an interest rate
23 of one-half of one percent per annum. The State Treasurer shall determine
24 the schedule for repayment, and the governing body of the political
25 subdivision shall annually budget and levy a sufficient amount to meet
26 this schedule until the loan, with interest, has been repaid in full.

27 Sec. 2. Original section 13-918, Reissue Revised Statutes of
28 Nebraska, is repealed.

29 Sec. 3. Since an emergency exists, this act takes effect when
30 passed and approved according to law.