

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 78

Introduced By: Nantkes, 46;
Read first time: January 5, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Political Subdivisions Tort Claims
2 Act; to amend sections 13-922 and 13-926, Reissue Revised
3 Statutes of Nebraska; to change amounts recoverable as
4 prescribed; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-922 Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-922. (1) The total amount recoverable against any
4 employee for claims filed pursuant to section 13-920 ~~or 13-921~~
5 arising out of an occurrence after May 13, 1987, and prior to the
6 effective date of this act shall be limited to: ~~(1)~~ (a) One
7 million dollars for any person for any number of claims arising out
8 of a single occurrence; and ~~(2)~~ (b) five million dollars for all
9 claims arising out of a single occurrence.

10 (2) The total amount recoverable against any employee for
11 claims filed pursuant to section 13-920 arising out of an occurrence
12 on or after the effective date of this act shall be limited to: (a)
13 Three million dollars for any person for any number of claims arising
14 out of a single occurrence; and (b) twelve million dollars for all
15 claims arising out of a single occurrence.

16 Sec. 2. Section 13-926 Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 13-926. (1) The total amount recoverable under the
19 Political Subdivisions Tort Claims Act for claims arising out of an
20 occurrence after November 16, 1985, and prior to the effective date
21 of this act shall be limited to

22 ~~(1)~~ (a) One million dollars for any person for any
23 number of claims arising out of a single occurrence; and

24 ~~(2)~~ (b) Five million dollars for all claims arising out
25 of a single occurrence.

26 (2) The total amount recoverable under the Political
27 Subdivisions Tort Claims Act for claims arising out of an occurrence

1 on or after the effective date of this act shall be limited to:

2 (a) Three million dollars for any person for any number of
3 claims arising out of a single occurrence; and

4 (b) Twelve million dollars for all claims arising out of a
5 single occurrence.

6 (3) If the damages sustained by an innocent third party
7 pursuant to section 13-911 are not fully recoverable from one or more
8 political subdivisions due to the limitations in this section,
9 additional sources for recovery shall be as follows: First, any
10 offsetting payments specified in subsection (3) of section 13-911
11 shall be reduced to the extent necessary to fully compensate the
12 innocent third party; and second, if such reduction is insufficient to
13 fully compensate the innocent third party, the right of reimbursement
14 granted to the political subdivision in subsection (2) of section
15 13-911 shall be reduced to the extent necessary to fully compensate
16 the innocent third party.

17 Sec. 3. Original sections 13-922 and 13-926, Reissue Revised
18 Statutes of Nebraska, are repealed.