

AMENDMENTS TO LB 260

(Amendments to Standing Committee amendments, AM456)

Introduced by Rogert, 16.

1 1. Insert the following new sections:

2 Sec. 13. Section 81-8,210, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-8,210 For purposes of the State Tort Claims Act:

5 (1) State agency includes all departments, agencies,
6 boards, bureaus, and commissions of the State of Nebraska and
7 corporations the primary function of which is to act as, and
8 while acting as, instrumentalities or agencies of the State of
9 Nebraska but shall not include corporations that are essentially
10 private corporations or entities created pursuant to the Interlocal
11 Cooperation Act or the Joint Public Agency Act. State agency does
12 not include any contractor with the State of Nebraska;

13 (2) State Claims Board means the board created by section
14 81-8,220;

15 (3) Employee of the state means any one or more officers
16 or employees of the state or any state agency and shall include
17 duly appointed members of boards or commissions when they are
18 acting in their official capacity. State employee does not include
19 any employee of an entity created pursuant to the Interlocal
20 Cooperation Act or the Joint Public Agency Act or any contractor
21 with the State of Nebraska;

22 (4) Tort claim means any claim against the State of

1 Nebraska for money only on account of damage to or loss of property
2 or on account of personal injury or death caused by the negligent
3 or wrongful act or omission of any employee of the state, while
4 acting within the scope of his or her office or employment, under
5 circumstances in which the state, if a private person, would be
6 liable to the claimant for such damage, loss, injury, or death but
7 does not include any claim accruing before January 1, 1970, ~~and~~ any
8 claim against an employee of the state for money only on account
9 of damage to or loss of property or on account of personal injury
10 or death caused by the negligent or wrongful act or omission of
11 the employee while acting within the scope of his or her employment
12 occurring on or after August 25, 1989, and any claim allowed under
13 the Nebraska Claims for Wrongful Conviction and Imprisonment Act;

14 (5) Award means any amount determined by the Risk Manager
15 or State Claims Board to be payable to a claimant under section
16 81-8,211 or the amount of any compromise or settlement under
17 section 81-8,218; and

18 (6) Risk Manager means the Risk Manager appointed under
19 section 81-8,239.01.

20 Sec. 14. Original section 81-8,210, Reissue Revised
21 Statutes of Nebraska, is repealed.

22 2. On page 2, strike beginning with "All" in line 24
23 through line 27.