

AMENDMENTS TO LB861

Introduced by Appropriations.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. (1) For purposes of this section:

4 (a) Correctional institution incident means an incident in which a
5 crime or crimes are allegedly committed by one or more inmates confined
6 in a state correctional institution;

7 (b) Costs of prosecution includes, but is not limited to, the costs
8 of defense for indigent defendants, including attorney's fees and expert
9 witness fees; and

10 (c) Threshold amount means the amount of property tax revenue raised
11 by a county from a levy of two and one-half cents per one hundred dollars
12 of taxable valuation of property subject to the levy. The threshold
13 amount shall be determined using valuations for the year in which the
14 correctional institution incident occurred.

15 (2) If a county's costs of prosecution relating to a single
16 correctional institution incident exceed the threshold amount for such
17 county, such costs of prosecution in excess of the threshold amount shall
18 be paid by the State of Nebraska.

19 (3) Any amount to be paid by the state pursuant to subsection (2) of
20 this section shall be paid in the manner provided in the State
21 Miscellaneous Claims Act. The affected county shall file a claim for such
22 amount in the manner provided in such act.

23 (4) This section shall apply to any correctional institution
24 incident occurring on or after May 1, 2015.

25 Sec. 2. Section 81-8,297, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 81-8,297 The State Claims Board shall have the power and authority

1 to receive, investigate, and otherwise carry out its duties with regard
2 to (1) all claims under the State Miscellaneous Claims Act, (2) all
3 claims under sections 25-1802 to 25-1807, (3) all claims under the State
4 Contract Claims Act, (4) all requests on behalf of any department, board,
5 or commission of the state for waiver or cancellation of money or charges
6 when necessary for fiscal or accounting procedures, ~~and~~ (5) all claims
7 filed under section 66-1531, and (6) all claims filed under section 1 of
8 this act. All such claims or requests and supporting documents shall be
9 filed with the Risk Manager and shall be designated by number, name of
10 claimant as requester, and short title. Nothing in this section shall be
11 construed to be a waiver of the sovereign immunity of the state beyond
12 what is otherwise provided by law.

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

19 Sec. 3. Section 81-8,299, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-8,299 The State Claims Board shall, for the purposes contemplated
22 by the State Contract Claims Act, the State Miscellaneous Claims Act, ~~and~~
23 sections 25-1802 to 25-1807 and 66-1531, and section 1 of this act, have
24 the right, power, and duty to (1) administer oaths, (2) compel the
25 attendance of witnesses and the production of books, papers, and
26 documents and issue subpoenas for such purposes, and (3) punish the
27 disobedience of such a subpoena or subpoenas, the refusal of a witness to
28 be sworn or testify, or the failure to produce books, papers, and
29 documents, as required by such subpoena or subpoenas so issued, as
30 contempt, in the same manner as are officers who are authorized to take
31 depositions.

1 Sec. 4. Section 81-8,300.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-8,300.01 Claims described in subdivisions (4), ~~and (5), and (6)~~
4 of section 81-8,297 and claims relating to expiration of state warrants
5 shall have no time bar to recovery. Except as provided in section 25-213,
6 all other claims permitted under the State Miscellaneous Claims Act shall
7 be forever barred unless the claim is filed with the Risk Manager within
8 two years after the time the claim accrued.

9 Sec. 5. Section 81-8,301, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 81-8,301 Any award made under the State Contract Claims Act, the
12 State Miscellaneous Claims Act, ~~or~~ section 25-1806 or 66-1531, or section
13 1 of this act and accepted by the claimant shall be final and conclusive
14 on all officers of the State of Nebraska except when procured by means of
15 fraud. The acceptance by the claimant of such award shall be final and
16 conclusive on the claimant and shall constitute a complete release by the
17 claimant of any claim against the state and against the employee of the
18 state whose act or omission gave rise to the claim by reason of the same
19 subject matter.

20 Sec. 6. Original sections 81-8,297, 81-8,299, 81-8,300.01, and
21 81-8,301, Reissue Revised Statutes of Nebraska, are repealed.