

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB729

Hearing Date: Thursday January 25, 2018
Committee On: Judiciary
Introducer: Wayne
One Liner: Allow claims arising out of misrepresentation or deceit under the Political Subdivisions Tort Claims Act and State Tort Claims Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Baker, Chambers, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents: Senator Justin Wayne Christi White	Representing: Introducer self
Opponents:	Representing:
Neutral:	Representing:

Summary of purpose and/or changes:

LB 729 makes changes to the Political Subdivisions Tort Claims Act. It strikes certain exceptions to the application of the Act and would allow for claims against the state when the claim or claims arise from "misrepresentation" or "deceit."

Explanation of amendments:

The committee amendment eliminates changes proposed in the introduced bill to Neb. Rev. Stat. Sec. 13-910 in the Political Subdivisions Tort Claims Act.

The amendment deletes the words "misrepresentation" and "deceit" from existing exception language in Neb. Rev. Stat. Sec. 81-8,129(4) in the State Tort Claims Act.

The amendment inserts a new subsection (5) which would provide that the State Tort Claims Act does not apply to any claim "arising out of misrepresentation or deceit," except in cases of adoption or placement where the Department of Health and Human Services "fails to warn, notify, or inform" relating to a ward's behavioral, mental health, educational, and medical history. This would include history relating to a ward's being a past victim or perpetrator of a sexual abuse.

Laura Ebke, Chairperson