

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 554

Introduced by Business and Labor Committee: Harr, 8, Chairperson;
Bloomfield, 17; Chambers, 11; Crawford, 45; Ebke, 32;
Johnson, 23; McCollister, 20.

Read first time January 21, 2015

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to claims against the state; to appropriate
- 2 funds for the payment of certain claims; to provide for payment of
- 3 the claims; to authorize agencies to write off certain claims as
- 4 prescribed; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. The following sums of money, or so much thereof as may
2 be required, are hereby appropriated from the General Fund or from other
3 funds as indicated in the state treasury, not otherwise appropriated, for
4 the payment of claims arising out of miscellaneous items of indebtedness
5 owing by the State of Nebraska.

6 \$175,000.00 for Miscellaneous Claim Number 2014-13890, against the
7 State of Nebraska, pay to Jaryl Ellis and Keating, O'Gara, Nedved and
8 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
9 out of the General Fund.

10 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
11 State of Nebraska, pay to Michael Hunter and Keating, O'Gara, Nedved and
12 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
13 out of the General Fund.

14 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
15 State of Nebraska, pay to Paul Zeiger and Keating, O'Gara, Nedved and
16 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
17 out of the General Fund.

18 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
19 State of Nebraska, pay to Tiffany Johnson and Keating, O'Gara, Nedved and
20 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
21 out of the General Fund.

22 \$50,000.00 for Miscellaneous Claim Number 2014-13890, against the
23 State of Nebraska, pay to Aaron Delaney and Keating, O'Gara, Nedved and
24 Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508,
25 out of the General Fund.

26 \$102,087.50 for Miscellaneous Claim Number 2014-13890, against the
27 State of Nebraska, pay to Keating, O'Gara, Nedved and Peter, P.C.,
28 L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508, out of the
29 General Fund.

30 \$79,070.98 for Miscellaneous Claim Number 2015-14059, against the
31 State of Nebraska, pay to Andy Stebbing, Lancaster County Treasurer, 555

1 South 10th Street, Lincoln, NE 68508, out of the General Fund.

2 \$25,326.65 for Miscellaneous Claim Number 2015-14295, against the
3 State of Nebraska, pay to Nebraska Press Advertising Service, 845 "S"
4 Street, Lincoln, NE 68508, out of the General Fund.

5 \$275,000.00 for Miscellaneous Claim Number 2015-14382, against the
6 State of Nebraska, pay to Farney Daniels, P.C., 800 South Austin Avenue,
7 Suite 200, Georgetown, TX 78626, out of the General Fund.

8 \$350,000.00 for Miscellaneous Claim Number 2015-14383, against the
9 State of Nebraska, pay to Farney Daniels, P.C., 800 South Austin Avenue,
10 Suite 200, Georgetown, TX 78626, out of the General Fund.

11 The claims included in this section shall be paid through Program
12 536 in Agency 65.

13 For informational purposes only, the appropriations contained in
14 this section and fund source:

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------|-----------------------|
| <u>GENERAL FUND</u> | <u>\$1,206,485.13</u> |
| <u>CASH FUND</u> | <u>\$-0-</u> |
| <u>REVOLVING FUND</u> | <u>\$-0-</u> |
| <u>TOTAL</u> | <u>\$1,206,485.13</u> |

20 Sec. 2. The following sums of money, or so much thereof as may be
21 required, are hereby appropriated from the General Fund or from other
22 funds as indicated in the state treasury, not otherwise appropriated, for
23 the payment of tort claims which have been settled by the State Claims
24 Board and approved by the district court, which have been settled by the
25 Attorney General in the district court, or in which court judgments have
26 been entered and which require the approval of the Legislature for
27 payment.

28 \$270,094.89 for Tort Claim Number 2010-04089, against the State of
29 Nebraska, pay to Herbert J. Friedman and James Dean, c/o Friedman Law
30 Offices, 3800 Normal Boulevard, Suite 200, Lincoln, NE 68506-5240, out of
31 the General Fund.

1 \$484,415.08 for Tort Claim Number 2010-04094, against the State of
2 Nebraska, pay to Bartle and Geier Law Firm, in trust for Ada Joann
3 Taylor, 1141 "H" Street, Lincoln, NE 68501-3104, out of the General Fund.

4 \$250,000.00 for Tort Claim Number 2011-11324, against the State of
5 Nebraska, pay to Valley Bank and Trust, Trustee of the Debra Shelden
6 Special Needs Trust, and Chaloupka, Holyoke, Snyder, Chaloupka, Longoria,
7 and Kishiyama P.C., L.L.O., 1714 Second Avenue, P.O. Box 2424,
8 Scottsbluff, NE 69363-2424, out of the General Fund.

9 The claims included in this section shall be paid through Program
10 591 in Agency 65.

11 For informational purposes only, the appropriations contained in
12 this section and fund source:

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------|-----------------------|
| <u>GENERAL FUND</u> | <u>\$1,004,509.97</u> |
| <u>CASH FUND</u> | <u>\$-0-</u> |
| <u>REVOLVING FUND</u> | <u>\$-0-</u> |
| <u>TOTAL</u> | <u>\$1,004,509.97</u> |

18 Sec. 3. The following sums of money, or so much thereof as may be
19 required, are hereby appropriated from the General Fund or from other
20 funds as indicated in the state treasury, not otherwise appropriated, for
21 the payment of tort claims which have been settled by the State Claims
22 Board and approved by the district court, which have been settled by the
23 Attorney General in the district court, or in which court judgments have
24 been entered and which require the approval of the Legislature for
25 payment.

26 \$213,750.00 for Tort Claim Number 2015-13205, against the State of
27 Nebraska, pay to Fitzgerald, Vetter, and Temple, 1002 Riverside
28 Boulevard, Norfolk, NE 68701, out of the State Insurance Fund.

29 \$80,000 for Tort Claim Number 2015-14247, against the State of
30 Nebraska, pay to Perry, Guthery, Haase, and Gessford, P.C., L.L.O., 233
31 South 13th Street, Suite 1400, Lincoln, NE 68508, out of the State

1 Insurance Fund.

2 \$10,000 for Tort Claim Number 2015-14248, against the State of
3 Nebraska, pay to Allied Insurance Company, c/o Nationwide Insurance
4 Company, Attn: Trust Team, 1100 Locust Street, Department 2019, Des
5 Moines, IA 50391, out of the State Insurance Fund.

6 The claims included in this section shall be paid through Program
7 594 in Agency 65.

8 For informational purposes only, the appropriations contained in
9 this section and fund source:

| 10 <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|--------------------------|----------------------|
| 11 <u>GENERAL FUND</u> | <u>\$-0-</u> |
| 12 <u>CASH FUND</u> | <u>\$-0-</u> |
| 13 <u>REVOLVING FUND</u> | <u>\$303,750.00</u> |
| 14 <u>TOTAL</u> | <u>\$303,750.00</u> |

15 Sec. 4. The Director of Administrative Services is hereby
16 authorized and directed to draw his or her warrants upon the funds in the
17 state treasury enumerated in this act, in favor of the several
18 beneficiaries named in this act for the amount set opposite their
19 respective names upon the presentation of proper vouchers therefor. The
20 several amounts appropriated in this act shall be in full payment of any
21 and all claims, rights, causes of action, damages, and demands of every
22 character and kind owing by or against the State of Nebraska, its
23 officers, agents, and employees, and their successors and assigns with
24 respect to each of the beneficiaries respectively in whose favor the
25 appropriations are made. The director shall not deliver any warrant for
26 any items appropriated in this act until a receipt and release in full,
27 releasing the State of Nebraska, its officers, employees, and agents, and
28 their successors and assigns, has been filed by each of the beneficiaries
29 respectively. Upon presentation of the warrants, the State Treasurer is
30 hereby directed to pay the same out of money in the General Fund or out
31 of money in other funds indicated in this act not otherwise appropriated.

1 Sec. 5. The following requests were filed by state agencies seeking
2 permission to write off certain accounts. The State Claims Board reviewed
3 and approved the following requests:

4 \$152.59 for Request Number 2015-14171, made by the Supreme Court.

5 \$17,232.44 for Request Number 2015-14190, made by the Nebraska
6 Public Employees Retirement Systems.

7 \$142,101.68 for Request Number 2015-14203, made by the Department of
8 Roads.

9 \$583,469.40 for Request Number 2015-14273, made by the Department of
10 Health and Human Services.

11 \$6,702.30 for Request Number 2015-14274, made by the Department of
12 Correctional Services.

13 \$2,613.61 for Request Number 2015-14275, made by the Military
14 Department.

15 \$99,675.70 for Request Number 2015-14276, made by the State
16 Treasurer.

17 \$3.87 for Request Number 2015-14277, made by the Clerk of the
18 Legislature.

19 \$28.65 for Request Number 2015-14278, made by the Department of
20 Motor Vehicles.

21 \$3,055.15 for Request Number 2015-14279, made by the Department of
22 Administrative Services.

23 \$43,471.58 for Request Number 2015-14280, made by the State Energy
24 Office.

25 \$58,348.38 for Request Number 2015-14294, made by the Nebraska State
26 Patrol.

27 \$4,079.00 for Request Number 2015-14296, made by the Department of
28 Insurance.

29 \$12,796.78 for Request Number 2015-14323, made by the Board of
30 Educational Lands and Funds.

31 Sec. 6. Since an emergency exists, this act takes effect when

1 passed and approved according to law.