

LEGISLATIVE BILL 981

Approved by the Governor March 30, 2016

Introduced by Business and Labor Committee: Harr, 8, Chairperson; Bloomfield, 17; Chambers, 11; Crawford, 45.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize agencies to write off certain claims as prescribed; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The following sum of money, or so much thereof as may be required, is hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of a claim arising out of miscellaneous items of indebtedness owing by the State of Nebraska.

\$261,862.00 for Miscellaneous Claim Number 2016-15438, against the State of Nebraska, pay to Cathy A. Dill, Dodge County Treasurer, 435 North Park Avenue Street, P.O. Box 999, Fremont, NE 68026-0999, out of the General Fund.

The claim included in this section shall be paid through Program 536 in Agency 65.

For informational purposes only, the appropriation contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$261,862.00</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$261,862.00</u>

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

\$800,000.00 for Tort Claim Number 2010-03980 and Tort Claim Number 2010-03981, against the State of Nebraska, pay to Roy Segelberg and Catherine Segelberg and James Martin Davis, Attn: James Martin Davis, 1623 Farnam Street, Suite 500, Farnam Plaza Building, Omaha, NE 68102, out of the Roads Operations Cash Fund.

\$84,675.14 for Tort Claim Number 2015-14421, against the State of Nebraska, pay to Cottingham and Butler Claims Services, 800 Main Street, Dubuque, IA 52001-6822, out of the Roads Operations Cash Fund.

\$243,098.57 for Tort Claim Number 2016-15417, against the State of Nebraska, pay to Nebraska Appleseed Center for Law, 941 O Street, Suite 920, Lincoln, NE 68508-3608, out of the General Fund.

\$115,336.81 for Tort Claim Number 2016-15418, against the State of Nebraska, pay to Husch Blackwell, LLP, 13330 California Street, Suite 200, Omaha, NE 68154-5241, out of the General Fund.

\$185,000.00 for Tort Claim Number 2016-15658, against the State of Nebraska, pay to the American Civil Liberties Union of Nebraska, 134 South 13th Street, Suite 1010, Lincoln, NE 68508, out of the General Fund.

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

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$543,435.38</u>
<u>CASH FUND</u>	<u>\$884,675.14</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$1,428,110.52</u>

Sec. 3. The following sum of money, or so much thereof as may be required, is hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of an indemnification claim which has been settled by the State Claims Board and

approved by the district court, which has been settled by the Attorney General in the district court, or in which a court judgment has been entered and which requires the approval of the Legislature for payment.

\$230,000.00 for Tort Claim Number 2016-15711, against the State of Nebraska, pay to Nebraska Appleseed Center for Law, 941 O Street, Suite 920, Lincoln, NE 68508-3608, out of the General Fund.

The claim included in this section shall be paid through Program 592 in Agency 65.

For informational purposes only, the appropriation contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$230,000.00</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$230,000.00</u>

Sec. 4. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of workers' compensation claims which have been settled by the Attorney General in the Nebraska Workers' Compensation Court or in which court judgments have been entered and which require the approval of the Legislature for payment.

\$115,000.00 for a workers' compensation claim, pay to Timothy S. Dowd and Theresa Dunson, Dowd, Howard and Corrigan, LLC, 1411 Harney Street, Suite 100, Omaha, NE 68102, out of the Workers' Compensation Claims Revolving Fund.

\$275,000.00 for a workers' compensation claim, pay to Amanda Jajoo and Justin High, High and Younes, 6919 Dodge Street, Omaha, NE 68132, out of the Workers' Compensation Claims Revolving Fund.

The claims included in this section shall be paid through Program 593 in Agency 65.

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$390,000.00</u>
<u>TOTAL</u>	<u>\$390,000.00</u>

Sec. 5. The following sum of money, or so much thereof as may be required, is hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of a tort claim which has been settled by the State Claims Board and approved by the district court, which has been settled by the Attorney General in the district court, or in which a court judgment has been entered and which require the approval of the Legislature for payment.

\$400,000.00 for Tort Claim Number 2014-13466, against the State of Nebraska, pay as follows:

\$219,785.00 pay to Pahlke Lawgroup Trust Account and Elizabeth Gorden, 2425 Circle Drive, Suite 200, Scottsbluff, NE 69361, out of the State Insurance Fund; and

\$180,215.00 pay to Pacific Life and Annuity Services, Inc., Little, Meyers and Associates, Ltd., 2651 Observatory Avenue, Cincinnati, OH 45208, out of the State Insurance Fund.

The claim included in this section shall be paid through Program 594 in Agency 65.

For informational purposes only, the appropriation contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$400,000.00</u>
<u>TOTAL</u>	<u>\$400,000.00</u>

Sec. 6. The Director of Administrative Services is hereby authorized and directed to draw his or her warrants upon the funds in the state treasury enumerated in this act, in favor of the several beneficiaries named in this act for the amount set opposite their respective names, upon the presentation of proper vouchers therefor. The several amounts appropriated in this act shall be in full payment of any and all claims, rights, causes of action, damages, and

demands of every character and kind owing by or against the State of Nebraska, its officers, agents, and employees, and their successors and assigns with respect to each of the beneficiaries respectively in whose favor the appropriations are made. The director shall not deliver any warrant for any items appropriated in this act until a receipt and release in full, releasing the State of Nebraska, its officers, employees, and agents, and their successors and assigns, has been filed by each of the beneficiaries respectively. Upon presentation of the warrants, the State Treasurer is hereby directed to pay the same out of money in the General Fund or out of money in other funds indicated in this act not otherwise appropriated.

Sec. 7. The following requests were filed by state agencies seeking permission to write off certain accounts. The State Claims Board reviewed and approved the following requests:

\$2,487.34 for Request Number 2016-15184, made by the Military Department.

\$151.00 for Request Number 2016-15316, made by the Supreme Court.

\$248,168.09 for Request Number 2016-15415, made by the Department of Roads.

\$1,800.00 for Request Number 2016-15416, made by the State Fire Marshal.

\$1,590,534.29 for Request Number 2016-15421, made by the Department of Health and Human Services.

\$7,907.85 for Request Number 2016-15422, made by the Department of Insurance.

\$10,936.86 for Request Number 2016-15423, made by the Lottery Division of the Department of Revenue.

\$10,480.50 for Request Number 2016-15437, made by the State Department of Education.

\$5,246.61 for Request Number 2016-15636, made by the Game and Parks Commission.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.