

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 950

FINAL READING

Introduced by Albrecht, 17.

Read first time January 10, 2018

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 tort claims which have been settled by the State Claims
5 Board and approved by the district court, which have been settled by the
6 Attorney General in the district court, or in which court judgments have
7 been entered and which require the approval of the Legislature for
8 payment.

9 \$800,000.00 for Tort Claim Number 2014-13451, against the State of
10 Nebraska, pay to Gary Lee c/o Jennifer Turco Meyer, Dyer Law, P.C.,
11 L.L.O., Attn: Jennifer Turco Meyer, 10730 Pacific Street, Suite 111,
12 Omaha, NE 68114, out of the Roads Operations Cash Fund.

13 \$350,000.00 for Tort Claim Number 2014-13452, against the State of
14 Nebraska, pay to Deborah Lee c/o Jennifer Turco Meyer, Dyer Law, P.C.,
15 L.L.O., Attn: Jennifer Turco Meyer, 10730 Pacific Street, Suite 111,
16 Omaha, NE 68114, out of the Roads Operations Cash Fund.

17 \$112,500.00 for Tort Claim Number 2015-14391, against the State of
18 Nebraska, pay to Domina Law Trust for the Estate of Elaine Schmid, Domina
19 Law, 2425 South 144th Street, Omaha, NE 68144, out of the Roads
20 Operations Cash Fund.

21 The claims included in this section shall be paid through Program
22 591 in Agency 65.

23 For informational purposes only, the appropriations contained in
24 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>\$1,262,500.00</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$1,262,500.00</u>

30 Sec. 2. The following sum of money, or so much thereof as may be
31 required, is hereby appropriated from the General Fund or from other

1 funds as indicated in the state treasury, not otherwise appropriated, for
2 the payment of an indemnification claim which has been settled by the
3 State Claims Board and approved by the district court, which has been
4 settled by the Attorney General in the district court, or in which a
5 court judgment has been entered and which requires the approval of the
6 Legislature for payment.

7 \$197,330.63 for Claim Number 2018-17778, against the State of
8 Nebraska, pay to ACLU of Nebraska Foundation, Inc., 134 South 13th
9 Street, Suite 1010, Lincoln, NE 68508, out of the General Fund.

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

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$197,330.63</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$197,330.63</u>

19 Sec. 3. The following sums of money, or so much thereof as may be
20 required, are hereby appropriated from the General Fund or from other
21 funds as indicated in the state treasury, not otherwise appropriated, for
22 the payment of workers' compensation claims which have been settled by
23 the Attorney General in the Nebraska Workers' Compensation Court or in
24 which court judgments have been entered and which require the approval of
25 the Legislature for payment.

26 \$100,000.00 for a workers' compensation claim, pay to Judith
27 Williams and Jon Rehm, Rehm, Bennett, Moore, Rehm and Ockander, P.C.,
28 L.L.O., 3701 Union Drive, Suite 200, Lincoln, NE 68516, out of the
29 Workers' Compensation Claims Revolving Fund.

30 \$106,250.00 for a workers' compensation claim, pay to Annette
31 Halsey, Chaloupka, Holyoke, Snyder, Chaloupka and Longoria, P.C., L.L.O.,

1 1714 Second Avenue, P.O. Box 2424, Scottsbluff, NE 69363-2424, out of the
2 Workers' Compensation Claims Revolving Fund.

3 \$100,000.00 for a workers' compensation claim, pay to Terry
4 Armstrong and Ausman Law Firm, P.C., L.L.O., Ausman Law Firm, P.C.,
5 L.L.O., 9850 Nicholas Street, Suite 305, Omaha, NE 68114, out of the
6 Workers' Compensation Claims Revolving Fund.

7 \$272,213.00 for a workers' compensation claim, pay to Edward
8 Rinehart, 704 Westridge Parkway, McCook, NE 69001, out of the Workers'
9 Compensation Claims Revolving Fund.

10 The claims included in this section shall be paid through Program
11 593 in Agency 65.

12 For informational purposes only, the appropriations contained in
13 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>\$578,463.00</u>
<u>TOTAL</u>	<u>\$578,463.00</u>

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

1 their successors and assigns, has been filed by each of the beneficiaries
2 respectively. Upon presentation of the warrants, the State Treasurer is
3 hereby directed to pay the same out of money in the General Fund or out
4 of money in other funds indicated in this act not otherwise appropriated.

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

8 \$5,800.00 for Request Number 2018-17640, made by the Nebraska
9 Accountability and Disclosure Commission.

10 \$214.70 for Request Number 2018-17660, made by the Supreme Court.

11 \$22,091.91 for Request Number 2018-17705, made by the Nebraska
12 Public Employees Retirement Systems.

13 \$630.00 for Request Number 2018-17716, made by the State Fire
14 Marshal.

15 \$14,643.40 for Request Number 2018-17719, made by the Game and Parks
16 Commission.

17 \$19,291.14 for Request Number 2018-17726, made by the Department of
18 Revenue.

19 \$723,678.25 for Request Number 2018-17730, made by the Department of
20 Health and Human Services.

21 \$1,175.00 for Request Number 2018-17733, made by the Secretary of
22 State.

23 \$1,571.06 for Request Number 2018-17744, made by the Department of
24 Correctional Services.

25 \$188,902.22 for Request Number 2018-17746, made by the Department of
26 Transportation.

27 Sec. 6. Since an emergency exists, this act takes effect when
28 passed and approved according to law.