

LEGISLATIVE BILL 554

Approved by the Governor May 20, 2015

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

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 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 claims arising out of miscellaneous items of indebtedness owing by the State of Nebraska.

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

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

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

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

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

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

\$79,070.98 for Miscellaneous Claim Number 2015-14059, against the State of Nebraska, pay to Andy Stebbing, Lancaster County Treasurer, 555 South 10th Street, Lincoln, NE 68508, out of the General Fund.

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

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

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

The claims included in this section shall be paid through Program 536 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>\$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>

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.

\$95,000.00 for Tort Claim Number 2009-03751, against the State of Nebraska, pay to Debra Rhodes on behalf of Estate of David Peterson, c/o Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496, out

of the Roads Operations Cash Fund.

\$95,000.00 for Tort Claim Number 2010-04062, against the State of Nebraska, pay to Natasha Lunn on behalf of Estate of Travis Lunn, c/o Cincinnati Insurance Company, P.O. Box 145496, Cincinnati, OH 45250-5496, out of the Roads Operations Cash Fund.

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

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

\$250,000.00 for Tort Claim Number 2011-11324, against the State of Nebraska, pay to Valley Bank and Trust, Trustee of the Debra Sheldon Special Needs Trust, and Chaloupka, Holyoke, Snyder, Chaloupka, Longoria, and Kishiyama, P.C., L.L.O., 1714 Second Avenue, P.O. Box 2424, Scottsbluff, NE 69363-2424, 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>\$1,004,509.97</u>
<u>CASH FUND</u>	<u>\$190,000.00</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$1,194,509.97</u>

Sec. 3. 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.

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

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

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

The claims included in this section shall be paid through Program 594 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>\$303,750.00</u>
<u>TOTAL</u>	<u>\$303,750.00</u>

Sec. 4. 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. 5. 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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