

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 949

Final Reading

Introduced by Business and Labor Committee: Lathrop, 12,
Chairperson; Ashford, 20; Harr, 8; McGill, 26;
Wallman, 30.

Read first time January 16, 2014

Committee: Business and Labor

A BILL

- 1 FOR AN ACT relating to claims against the state; to appropriate funds
- 2 for the payment of certain claims; to provide for payment
- 3 of the claims; to authorize agencies to write off certain
- 4 claims as 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
2 thereof as may be required, are hereby appropriated from the General
3 Fund or from other funds as indicated in the state treasury, not
4 otherwise appropriated, for the payment of tort claims which have
5 been settled by the State Claims Board and approved by the district
6 court, which have been settled by the Attorney General in the
7 district court, or in which court judgments have been entered and
8 which require the approval of the Legislature for payment.

9 \$600,000.00 for Tort Claim Number 2009-03406, against the
10 State of Nebraska, pay to Locke E. Bowman, Roderick MacArthur Justice
11 Center, Northwestern University School of Law, 375 East Chicago
12 Avenue, Chicago, IL 60611, out of the General Fund.

13 \$152,752.67 for Tort Claim Number 2009-03539, against the
14 State of Nebraska, pay to Sandra Ham, Guardian for Ian Ham, and
15 Disability Rights Nebraska, 134 South 13th Street, Suite 600,
16 Lincoln, NE 68508, out of the General Fund.

17 \$250,000 for Tort Claim Number 2010-09761, against the
18 State of Nebraska, pay to Berry Law Firm, 2650 North 48th Street,
19 Lincoln, NE 68504-3631, out of the General Fund.

20 \$125,000 for Tort Claim Number 2011-11365, against the
21 State of Nebraska, pay \$48,564 to Mattson Ricketts Law Firm, 134
22 South 13th Street, Suite 1200, Lincoln, NE 68508, and pay \$76,436 to
23 Pacific Life and Annuity Services, Inc., 700 Newport Center Drive,
24 1st Floor Treasury, Newport Beach, CA 92660-6397, out of the General
25 Fund.

1 \$15,000 for Tort Claim Number 2014-13247, against the
 2 State of Nebraska, pay to Telma S. Diaz and Adam Sipple, 9900
 3 Nicholas Street, Suite 225, Omaha, NE 68114, out of the General Fund.

4 \$325,000 for Tort Claim Number 2014-13248, against the
 5 State of Nebraska, pay to Nicholas Sampson and Chaloupka, Holyoke,
 6 Snyder, Chaloupka, Longoria, and Kishiyama PC, LLO, 1714 Second
 7 Avenue, P.O. Box 2424, Scottsbluff, NE 69363-2424, out of the General
 8 Fund.

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

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

| <u>FUND SOURCE</u> | <u>DOLLAR AMOUNT</u> |
|--------------------------|-----------------------|
| 14 <u>GENERAL FUND</u> | <u>\$1,467,752.67</u> |
| 15 <u>CASH FUND</u> | <u>\$-0-</u> |
| 16 <u>REVOLVING FUND</u> | <u>\$-0-</u> |
| 17 <u>TOTAL</u> | <u>\$1,467,752.67</u> |

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

1 approval of the Legislature for payment.

2 \$575,000 for Tort Claim Number 2013-12765, against the
 3 State of Nebraska, pay to Ruben Maravilla-Servin and Heldt and
 4 McKeone, P.O. Box 1050, 710 North Grant Street, Lexington, NE
 5 68850-5050, out of the State Insurance Fund.

6 \$32,807 for Tort Claim Number 2013-12766, against the
 7 State of Nebraska, pay to Brian McCoy, 6677 Route 96A, P.O. Box 239,
 8 Ovid, NY 14521, out of the State Insurance Fund.

9 \$29,996.27 for Tort Claim Number 2013-12904, against the
 10 State of Nebraska, pay to Progressive Insurance, attention Chris
 11 Woolfolk, P.O. Box 512929, Los Angeles, CA 90051-0924, out of the
 12 State Insurance Fund.

13 \$2,000,000 for Tort Claim Number 2014-13083, against the
 14 State of Nebraska, pay to Leonard Meeks and Martell Buchanan, Co-
 15 Special Administrators of the Estate of Joyce Meeks, Lapin Law
 16 Offices and Cavanagh Law Group, c/o Jeffrey Lapin, 8033 South 15th
 17 Street, Suite A, Lincoln, NE 68512, out of the State Insurance Fund.

18 The claims included in this section shall be paid through
 19 Program 594 in Agency 65.

20 For informational purposes only, the appropriations
 21 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>\$2,637,803.27</u> |

1 beneficiaries named in this act for the amount set opposite their
2 respective names upon the presentation of proper vouchers therefor.
3 The several amounts appropriated in this act shall be in full payment
4 of any and all claims, rights, causes of action, damages, and demands
5 of every character and kind owing by or against the State of
6 Nebraska, its officers, agents, and employees, and their successors
7 and assigns with respect to each of the beneficiaries respectively in
8 whose favor the appropriations are made. The director shall not
9 deliver any warrant for any items appropriated in this act until a
10 receipt and release in full, releasing the State of Nebraska, its
11 officers, employees, and agents, and their successors and assigns,
12 has been filed by each of the beneficiaries respectively. Upon
13 presentation of the warrants, the State Treasurer is hereby directed
14 to pay the same out of money in the General Fund or out of money in
15 other funds indicated in this act not otherwise appropriated.

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

19 \$108,009.81 for Request Number 2014-13271, made by the
20 Department of Roads.

21 \$286.29 for Request Number 2014-13278, made by the
22 Supreme Court.

23 \$7,546.27 for Request Number 2014-13323, made by the
24 Military Department.

25 \$747,545.18 for Request Number 2014-13354, made by the

1 Department of Health and Human Services.

2 \$16,385.66 for Request Number 2014-13356, made by the
3 Lottery Division of the Department of Revenue.

4 \$1,190.85 for Request Number 2014-13364, made by the
5 Department of Motor Vehicles.

6 \$7,572.57 for Request Number 2014-13370, made by the
7 Board of Educational Lands and Funds.

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