

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 949

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

23 \$15,000 for Tort Claim Number 2014-13247, against the
24 State of Nebraska, pay to Telma S. Diaz and Adam Sipple, 9900
25 Nicholas Street, Suite 225, Omaha, NE 68114, out of the General Fund.

1 \$325,000 for Tort Claim Number 2014-13248, against the
 2 State of Nebraska, pay to Chaloupka, Holyoke, Snyder, Chaloupka,
 3 Longoria, and Kishiyama PC, LLO, 1714 Second Avenue, P.O. Box 2424,
 4 Scottsbluff, NE 69363-2424, out of the General Fund.

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

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$1,217,752.67</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$1,217,752.67</u>

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

22 \$32,807 for Tort Claim Number 2013-12766, against the
 23 State of Nebraska, pay to Brian McCoy, 6677 Route 96A, P.O. Box 239,
 24 Ovid, NY 14521, out of the State Insurance Fund.

1 \$29,996.27 for Tort Claim Number 2013-12904, against the
 2 State of Nebraska, pay to Chris Woolfolk, P.O. Box 512929, Los
 3 Angeles, CA 90051-0924, out of the State Insurance Fund.

4 The claims included in this section shall be paid through
 5 Program 594 in Agency 65.

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
9 <u>GENERAL FUND</u>	<u>\$-0-</u>
10 <u>CASH FUND</u>	<u>\$-0-</u>
11 <u>REVOLVING FUND</u>	<u>\$62,803.27</u>
12 <u>TOTAL</u>	<u>\$62,803.27</u>

13 Sec. 3. The Director of Administrative Services is hereby
 14 authorized and directed to draw his or her warrants upon the funds in
 15 the state treasury enumerated in this act, in favor of the several
 16 beneficiaries named in this act for the amount set opposite their
 17 respective names upon the presentation of proper vouchers therefor.
 18 The several amounts appropriated in this act shall be in full payment
 19 of any and all claims, rights, causes of action, damages, and demands
 20 of every character and kind owing by or against the State of
 21 Nebraska, its officers, agents, and employees, and their successors
 22 and assigns with respect to each of the beneficiaries respectively in
 23 whose favor the appropriations are made. The director shall not
 24 deliver any warrant for any items appropriated in this act until a

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

7 Sec. 4. The following requests were filed by state
8 agencies seeking permission to write off certain accounts. The State
9 Claims Board reviewed and approved the following requests:

10 \$108,009.81 for Request Number 2014-13271, made by the
11 Department of Roads.

12 \$286.29 for Request Number 2014-13278, made by the
13 Supreme Court.

14 \$7,546.27 for Request Number 2014-13323, made by the
15 Military Department.

16 \$747,545.18 for Request Number 2014-13354, made by the
17 Department of Health and Human Services.

18 \$16,385.66 for Request Number 2014-13356, made by the
19 Lottery Division of the Department of Revenue.

20 \$1,190.85 for Request Number 2014-13364, made by the
21 Department of Motor Vehicles.

22 \$7,572.57 for Request Number 2014-13370, made by the
23 Board of Educational Lands and Funds.

24 Sec. 5. Since an emergency exists, this act takes effect
25 when passed and approved according to law.