

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 171

FINAL READING

Introduced by Albrecht, 17.

Read first time January 10, 2017

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 sum of money, or so much thereof as may be
2 required, is 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 a claim arising out of miscellaneous items of indebtedness
5 owing by the State of Nebraska.

6 \$394,853.25 for Miscellaneous Claim Number 2017-16605, against the
7 State of Nebraska, pay to Nebraska Press Advertising Service, 845 "S"
8 Street, Lincoln, NE 68508-1266, out of the General Fund.

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

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$394,853.25</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$394,853.25</u>

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

26 \$25,000.00 for Tort Claim Number 2015-14090, against the State of
27 Nebraska, pay to Pete Klein Trucking, Inc., and National Fire & Marine
28 Insurance Company, Todd Vetter, Fitzgerald, Vetter & Temple, 1002
29 Riverside Blvd. Suite 200, P.O. Box 1407, Norfolk, NE 68702-1407, out of
30 the Roads Operations Cash Fund.

31 \$123,000.00 for Tort Claim Number 2015-14235, against the State of

1 Nebraska, pay to Cory Ditter, Personal Representative of the Estate of
2 David L. Schmid and Sipple, Hansen, Emerson, Schumacher & Klutman, Eugene
3 Schumacher, Sipple, Hansen, Emerson, Schumacher & Klutman, 2503 13th
4 Street, P.O. Box 1305, Columbus, NE 68602, out of the Roads Operations
5 Cash Fund.

6 \$178,000.00 for Tort Claim Number 2015-14735, against the State of
7 Nebraska, pay to Alyson Lincoln, Administrator of the Estate of Derek
8 Wrase and Sibbernsen, Strigenz & Sibbernsen, P.C., Terry Sibbernsen,
9 Sibbernsen, Strigenz & Sibbernsen, CenturyLink Building, 1111 North 102nd
10 Court, Suite 330, Omaha, NE 68114, out of the Roads Operations Cash Fund.

11 \$1,750,000.00 for Tort Claim Number 2015-14747, against the State of
12 Nebraska, pay to Brandon Wolf and Kristopher Madsen, Kristopher K.
13 Madsen, Stuart Tinley Law Firm LLP, CenturyLink Building, 310 West
14 Kanesville Blvd., 2nd Floor, P.O. Box 398, Council Bluffs, IA 51502, out
15 of the Roads Operations Cash Fund.

16 The claims included in this section shall be paid through Program
17 591 in Agency 65.

18 For informational purposes only, the appropriations contained in
19 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>\$2,076,000.00</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$2,076,000.00</u>

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

1 \$50,000.00 for a workers' compensation claim, pay to David Hayes and
2 Christa Binstock, Attorney General's Office, Attn: Lisa Martin-Price,
3 2115 State Capitol, Lincoln, NE 68509, out of the Workers' Compensation
4 Claims Revolving Fund.

5 \$50,000.00 for a workers' compensation claim, pay to Russell
6 Schneider and Hauptman, O'Brien, Wolf & Lathrop, P.C., Attorney General's
7 Office, Attn: Lisa Martin-Price, 2115 State Capitol, Lincoln, NE 68509,
8 out of the Workers' Compensation Claims Revolving Fund.

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

11 For informational purposes only, the appropriations contained in
12 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>\$100,000.00</u>
<u>TOTAL</u>	<u>\$100,000.00</u>

18 Sec. 4. The following sums of money, or so much thereof as may be
19 required, are hereby appropriated from the General Fund or from other
20 funds as indicated in the state treasury, not otherwise appropriated, for
21 the payment of tort claims which have been settled by the State Claims
22 Board and approved by the district court, which have been settled by the
23 Attorney General in the district court, or in which court judgments have
24 been entered and which require the approval of the Legislature for
25 payment.

26 \$100,000.00 for Tort Claim Number 2014-13226, against the State of
27 Nebraska, pay to Kelly Schneider and William Pfeffer Law Office, Engles,
28 Ketcham, Olson, Keith, P.C., Attn: Robert S. Keith, 1700 Farnam Street,
29 1350 Woodmen Tower, Omaha, NE 68102, out of the State Insurance Fund.

30 \$75,000.00 for Tort Claim Number 2016-15518, against the State of
31 Nebraska, pay to Dannie Fielder and the Abboud Law Firm, The Abboud Law

1 Firm, 6530 South 84th Street, Omaha, NE 68127, out of the State Insurance
2 Fund.

3 \$9,661.62 for Tort Claim Number 2016-15820, against the State of
4 Nebraska, pay to Farmers Mutual of Nebraska, 501 South 13th Street,
5 Lincoln, NE 68508, out of the State Insurance Fund.

6 \$61,250.00 for Tort Claim Number 2016-15676, against the State of
7 Nebraska, pay to Blanca Encinas and Rex Moats, 131 South 202nd Street,
8 Elkhorn, NE 68022, out of the State Insurance Fund.

9 \$30,000.00 for Tort Claim Number 2016-15678, against the State of
10 Nebraska, pay to Emilio Espinoza and Rex Moats, 131 South 202nd Street,
11 Elkhorn, NE 68022, out of the State Insurance Fund.

12 \$6,350.00 for Tort Claim Number 2016-15680, against the State of
13 Nebraska, pay to Maria Reyna, as Special Conservator for Janessa
14 Espinoza, 131 South 202nd Street, Elkhorn, NE 68022, out of the State
15 Insurance Fund.

16 \$2,900.00 for Tort Claim Number 2016-15681, against the State of
17 Nebraska, pay to Blanca Encinas, as Special Conservator for Ariana
18 Espinoza, 131 South 202nd Street, Elkhorn, NE 68022, out of the State
19 Insurance Fund.

20 \$2,900.00 for Tort Claim Number 2016-15682, against the State of
21 Nebraska, pay to Blanca Encinas, as Special Conservator for Aliyah
22 Espinoza, 131 South 202nd Street, Elkhorn, NE 68022, out of the State
23 Insurance Fund.

24 \$18,431.36 for Tort Claim Number 2014-13769, against the State of
25 Nebraska, pay to American Family Insurance Company, 6000 American
26 Parkway, Madison, WI 53783, out of the State Insurance Fund.

27 \$65,000.00 for Tort Claim Number 2016-15668, against the State of
28 Nebraska, pay to Lynette Burianek, 2205 Southwest 17th Street, Lincoln,
29 NE 68522, out of the State Insurance Fund.

30 \$104.86 for Tort Claim Number 2016-15810, against the State of
31 Nebraska, pay to City of Lincoln, Attn: City Risk Management, 555 South

1 10th Street, Suite 302, Lincoln, NE 68508, out of the State Insurance
2 Fund.

3 \$6,275.56 for Tort Claim Number 2016-15856, against the State of
4 Nebraska, pay to Travelers Insurance, P.O. Box 660339, Dallas, TX
5 75266-0339, out of the State Insurance Fund.

6 \$21,536.71 for Tort Claim Number 2017-16816, against the State of
7 Nebraska, pay to Optuminsight, Inc., 11000 Optum Circle, Eden Prairie, MN
8 55344, out of the State Insurance Fund.

9 The claims included in this section shall be paid through Program
10 594 in Agency 65.

11 For informational purposes only, the appropriations contained in
12 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>\$399,410.11</u>
<u>TOTAL</u>	<u>\$399,410.11</u>

18 Sec. 5. The Director of Administrative Services is hereby
19 authorized and directed to draw his or her warrants upon the funds in the
20 state treasury enumerated in this act, in favor of the several
21 beneficiaries named in this act for the amount set opposite their
22 respective names, upon the presentation of proper vouchers therefor. The
23 several amounts appropriated in this act shall be in full payment of any
24 and all claims, rights, causes of action, damages, and demands of every
25 character and kind owing by or against the State of Nebraska, its
26 officers, agents, and employees, and their successors and assigns with
27 respect to each of the beneficiaries respectively in whose favor the
28 appropriations are made. The director shall not deliver any warrant for
29 any items appropriated in this act until a receipt and release in full,
30 releasing the State of Nebraska, its officers, employees, and agents, and
31 their successors and assigns, has been filed by each of the beneficiaries

1 respectively. Upon presentation of the warrants, the State Treasurer is
2 hereby directed to pay the same out of money in the General Fund or out
3 of money in other funds indicated in this act not otherwise appropriated.

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

7 \$52.54 for Request Number 2017-16448, made by the Clerk of the
8 Legislature.

9 \$6,508.42 for Request Number 2017-16488, made by the Military
10 Department.

11 \$8,502.58 for Request Number 2017-16524, made by the Game and Parks
12 Commission.

13 \$53,534.47 for Request Number 2017-16563, made by the Nebraska
14 Public Employees Retirement Systems.

15 \$1,402.76 for Request Number 2017-16566, made by the State Fire
16 Marshal.

17 \$459.46 for Request Number 2017-16581, made by the Supreme Court.

18 \$791,784.20 for Request Number 2017-16582, made by the Department of
19 Health and Human Services.

20 \$193.86 for Request Number 2017-16588, made by the Department of
21 Aeronautics.

22 \$74,855.49 for Request Number 2017-16603, made by the Department of
23 Roads.

24 Sec. 7. Since an emergency exists, this act takes effect when
25 passed and approved according to law.