

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 981**

FINAL READING

Introduced by Business and Labor Committee: Harr, 8, Chairperson;  
Bloomfield, 17; Chambers, 11; Crawford, 45.

Read first time January 14, 2016

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           \$261,862.00 for Miscellaneous Claim Number 2016-15438, against the  
7 State of Nebraska, pay to Cathy A. Dill, Dodge County Treasurer, 435  
8 North Park Avenue Street, P.O. Box 999, Fremont, NE 68026-0999, out of  
9 the General Fund.

10           The claim included in this section shall be paid through Program 536  
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>\$261,862.00</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$261,862.00</u>

19           Sec. 2. 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 tort claims which have been settled by the State Claims  
23 Board and approved by the district court, which have been settled by the  
24 Attorney General in the district court, or in which court judgments have  
25 been entered and which require the approval of the Legislature for  
26 payment.

27           \$800,000.00 for Tort Claim Number 2010-03980 and Tort Claim Number  
28 2010-03981, against the State of Nebraska, pay to Roy Segelberg and  
29 Catherine Segelberg and James Martin Davis, Attn: James Martin Davis,  
30 1623 Farnam Street, Suite 500, Farnam Plaza Building, Omaha, NE 68102,  
31 out of the Roads Operations Cash Fund.

1        \$84,675.14 for Tort Claim Number 2015-14421, against the State of  
2 Nebraska, pay to Cottingham and Butler Claims Services, 800 Main Street,  
3 Dubuque, IA 52001-6822, out of the Roads Operations Cash Fund.

4        \$243,098.57 for Tort Claim Number 2016-15417, against the State of  
5 Nebraska, pay to Nebraska Appleseed Center for Law, 941 O Street, Suite  
6 920, Lincoln, NE 68508-3608, out of the General Fund.

7        \$115,336.81 for Tort Claim Number 2016-15418, against the State of  
8 Nebraska, pay to Husch Blackwell, LLP, 13330 California Street, Suite  
9 200, Omaha, NE 68154-5241, out of the General Fund.

10        \$185,000.00 for Tort Claim Number 2016-15658, against the State of  
11 Nebraska, pay to the American Civil Liberties Union of Nebraska, 134  
12 South 13th Street, Suite 1010, Lincoln, NE 68508, out of the General  
13 Fund.

14        The claims included in this section shall be paid through Program  
15 591 in Agency 65.

16        For informational purposes only, the appropriations contained in  
17 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$543,435.38</u>
<u>CASH FUND</u>	<u>\$884,675.14</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$1,428,110.52</u>

23        Sec. 3. The following sum of money, or so much thereof as may be  
24 required, is hereby appropriated from the General Fund or from other  
25 funds as indicated in the state treasury, not otherwise appropriated, for  
26 the payment of an indemnification claim which has been settled by the  
27 State Claims Board and approved by the district court, which has been  
28 settled by the Attorney General in the district court, or in which a  
29 court judgment has been entered and which requires the approval of the  
30 Legislature for payment.

31        \$230,000.00 for Tort Claim Number 2016-15711, against the State of

1 Nebraska, pay to Nebraska Appleseed Center for Law, 941 O Street, Suite  
2 920, Lincoln, NE 68508-3608, out of the General Fund.

3 The claim included in this section shall be paid through Program 592  
4 in Agency 65.

5 For informational purposes only, the appropriation contained in this  
6 section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
8 <u>GENERAL FUND</u>	<u>\$230,000.00</u>
9 <u>CASH FUND</u>	<u>\$-0-</u>
10 <u>REVOLVING FUND</u>	<u>\$-0-</u>
11 <u>TOTAL</u>	<u>\$230,000.00</u>

12 Sec. 4. The following sums of money, or so much thereof as may be  
13 required, are hereby appropriated from the General Fund or from other  
14 funds as indicated in the state treasury, not otherwise appropriated, for  
15 the payment of workers' compensation claims which have been settled by  
16 the Attorney General in the Nebraska Workers' Compensation Court or in  
17 which court judgments have been entered and which require the approval of  
18 the Legislature for payment.

19 \$115,000.00 for a workers' compensation claim, pay to Timothy S.  
20 Dowd and Theresa Dunson, Dowd, Howard and Corrigan, LLC, 1411 Harney  
21 Street, Suite 100, Omaha, NE 68102, out of the Workers' Compensation  
22 Claims Revolving Fund.

23 \$275,000.00 for a workers' compensation claim, pay to Amanda Jajoo  
24 and Justin High, High and Younes, 6919 Dodge Street, Omaha, NE 68132, out  
25 of the Workers' Compensation Claims Revolving Fund.

26 The claims included in this section shall be paid through Program  
27 593 in Agency 65.

28 For informational purposes only, the appropriations contained in  
29 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
31 <u>GENERAL FUND</u>	<u>\$-0-</u>

1	<u>CASH FUND</u>	<u>\$-0-</u>
2	<u>REVOLVING FUND</u>	<u>\$390,000.00</u>
3	<u>TOTAL</u>	<u>\$390,000.00</u>

4       Sec. 5. The following sum of money, or so much thereof as may be  
5 required, is hereby appropriated from the General Fund or from other  
6 funds as indicated in the state treasury, not otherwise appropriated, for  
7 the payment of a tort claim which has been settled by the State Claims  
8 Board and approved by the district court, which has been settled by the  
9 Attorney General in the district court, or in which a court judgment has  
10 been entered and which require the approval of the Legislature for  
11 payment.

12       \$400,000.00 for Tort Claim Number 2014-13466, against the State of  
13 Nebraska, pay as follows:

14       \$219,785.00 pay to Pahlke Lawgroup Trust Account and Elizabeth  
15 Gorden, 2425 Circle Drive, Suite 200, Scottsbluff, NE 69361, out of the  
16 State Insurance Fund; and

17       \$180,215.00 pay to Pacific Life and Annuity Services, Inc., Little,  
18 Meyers and Associates, Ltd., 2651 Observatory Avenue, Cincinnati, OH  
19 45208, out of the State Insurance Fund.

20       The claim included in this section shall be paid through Program 594  
21 in Agency 65.

22       For informational purposes only, the appropriation contained in this  
23 section and fund source:

24	<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
25	<u>GENERAL FUND</u>	<u>\$-0-</u>
26	<u>CASH FUND</u>	<u>\$-0-</u>
27	<u>REVOLVING FUND</u>	<u>\$400,000.00</u>
28	<u>TOTAL</u>	<u>\$400,000.00</u>

29       Sec. 6. The Director of Administrative Services is hereby  
30 authorized and directed to draw his or her warrants upon the funds in the  
31 state treasury enumerated in this act, in favor of the several

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

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

18       \$2,487.34 for Request Number 2016-15184, made by the Military  
19 Department.

20       \$151.00 for Request Number 2016-15316, made by the Supreme Court.

21       \$248,168.09 for Request Number 2016-15415, made by the Department of  
22 Roads.

23       \$1,800.00 for Request Number 2016-15416, made by the State Fire  
24 Marshal.

25       \$1,590,534.29 for Request Number 2016-15421, made by the Department  
26 of Health and Human Services.

27       \$7,907.85 for Request Number 2016-15422, made by the Department of  
28 Insurance.

29       \$10,936.86 for Request Number 2016-15423, made by the Lottery  
30 Division of the Department of Revenue.

31       \$10,480.50 for Request Number 2016-15437, made by the State

1 Department of Education.

2 \$5,246.61 for Request Number 2016-15636, made by the Game and Parks

3 Commission.

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