

LEGISLATIVE BILL 171

Approved by the Governor May 12, 2017

Introduced by Albrecht, 17.

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 sum of money, or so much thereof as may be required, is hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of a claim arising out of miscellaneous items of indebtedness owing by the State of Nebraska.

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

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

For informational purposes only, the appropriation contained in this 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>

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.

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

\$123,000.00 for Tort Claim Number 2015-14235, against the State of Nebraska, pay to Cory Ditter, Personal Representative of the Estate of David L. Schmid and Sipple, Hansen, Emerson, Schumacher & Klutman, Eugene Schumacher, Sipple, Hansen, Emerson, Schumacher & Klutman, 2503 13th Street, P.O. Box 1305, Columbus, NE 68602, out of the Roads Operations Cash Fund.

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

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

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 workers' compensation claims which have been settled by the Attorney General in the Nebraska Workers' Compensation Court or in which court judgments have been entered and which require the approval of the Legislature for payment.

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

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

The claims included in this section shall be paid through Program 593 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>\$100,000.00</u>
<u>TOTAL</u>	<u>\$100,000.00</u>

Sec. 4. 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.

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

\$75,000.00 for Tort Claim Number 2016-15518, against the State of Nebraska, pay to Dannie Fielder and the Abboud Law Firm, The Abboud Law Firm, 6530 South 84th Street, Omaha, NE 68127, out of the State Insurance Fund.

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

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

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

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

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

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

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

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

\$104.86 for Tort Claim Number 2016-15810, against the State of Nebraska, pay to City of Lincoln, Attn: City Risk Management, 555 South 10th Street, Suite 302, Lincoln, NE 68508, out of the State Insurance Fund.

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

\$21,536.71 for Tort Claim Number 2017-16816, against the State of Nebraska, pay to Optuminsight, Inc., 11000 Optum Circle, Eden Prairie, MN 55344, 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>\$399,410.11</u>
<u>TOTAL</u>	<u>\$399,410.11</u>

Sec. 5. 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. 6. 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:

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

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

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

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

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

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

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

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

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

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