

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 464

FINAL READING

Introduced by Hansen, M., 26.

Read first time January 18, 2019

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 sums of money, or so much thereof as may
2 be required, are 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 claims arising out of miscellaneous items of indebtedness
5 owing by the State of Nebraska.

6 \$61,179.11 for Miscellaneous Claim Number 16-3306, against the State
7 of Nebraska, pay to Lyle Hunter and Abby Osborn, Shiffermiller Law
8 Office, P.C., L.L.O., Attn: Abby Osborn, 1002 G Street, Lincoln, NE
9 68508, out of the General Fund.

10 \$72,133.49 for Miscellaneous Claim Number 2019-18902, against the
11 State of Nebraska, pay to Nebraska Press Advertising Service, 845 "S"
12 Street, Lincoln, NE 68508-1266, out of the General Fund.

13 The claims included in this section shall be paid through Program
14 536 in Agency 65.

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$133,312.60</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$133,312.60</u>

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

30 \$35,000.00 for Tort Claim Number 2016-15465, against the State of
31 Nebraska, pay to Donald Johnson and Mark D. Kratina, Mark D. Kratina,

1 P.C., 300 Jackson Place, 514 South 13th Street, Omaha, NE 68102-2837, out
2 of the General Fund.

3 \$11,560.30 for Tort Claim Number 2016-15753, against the State of
4 Nebraska, pay to Gerald Burkinshaw and Vincent M. Powers & Associates,
5 411 South 3rd Street, Suite 300, Lincoln, NE 68508, out of the State
6 Building Revolving Fund.

7 The claims included in this section shall be paid through Program
8 591 in Agency 65.

9 For informational purposes only, the appropriations contained in
10 this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$35,000.00</u>
<u>CASH FUND</u>	<u>\$11,560.30</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$46,560.30</u>

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

24 \$65,000.00 for Indemnification Claim Number 8:15-CV-00424, against
25 the State of Nebraska, pay to Aron Lee Boyd-Nicholson and Quinn R. Eaton,
26 Husch Blackwell, L.L.P., Attn: Quinn R. Eaton, 13330 California Street,
27 Suite 200, Omaha, NE 68154, out of the General Fund.

28 The claim included in this section shall be paid through Program 592
29 in Agency 65.

30 For informational purposes only, the appropriation contained in this
31 section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$65,000.00</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$65,000.00</u>

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

13 \$100,000.00 for a workers' compensation claim, pay to Jeffrey Forsen
14 and Jay Elliott, Elliott Law Office, P.O. Box 1227, North Platte, NE
15 69103, out of the Workers' Compensation Claims Revolving Fund.

16 \$25,000.00 for a workers' compensation claim, pay to Kim Lowe and
17 Sara A. Lamme, Erickson Sederstrom P.C., L.L.O., 10330 Regency Parkway
18 Drive, Suite 100, Omaha, NE 68114-3761, out of the Workers' Compensation
19 Claims Revolving Fund.

20 \$149,000.00 for a workers' compensation claim, pay to Jeffrey Evans
21 and Rod Rehm, Rehm Bennett Moore Rehm and Ockander, P.C., L.L.O., 3701
22 Union Drive, Suite 200, Lincoln, NE 68516, out of the Workers'
23 Compensation Claims Revolving Fund.

24 \$175,000.00 for a workers' compensation claim, pay to Jessica Lang
25 and Rod Rehm, Rehm Bennett Moore Rehm and Ockander, P.C., L.L.O., 3701
26 Union Drive, Suite 200, Lincoln, NE 68516, out of the Workers'
27 Compensation Claims Revolving Fund.

28 \$12,487.00 for a workers' compensation claim, pay to John Overstreet
29 and Monte Nielan, 1721 Broadway, Suite 225, Scottsbluff, NE 69361, out of
30 the Workers' Compensation Claims Revolving Fund.

31 \$80,000.00 for a workers' compensation claim, pay to William

1 Lichtenwaldt and Brett McArthur, 140 South 27th Street, Suite D, Lincoln,
2 NE 68510, out of the Workers' Compensation Claims Revolving Fund.

3 \$165,803.00 for a workers' compensation claim, pay to Franco Signor,
4 L.L.C., f/b/o William Lichtenwaldt, Franco Signor L.L.C., Attn: PAS
5 Department, 3647 Cortez Road W., Suite 100, Bradenton, FL 34210, out of
6 the Workers' Compensation Claims Revolving Fund.

7 \$75,000.00 for a workers' compensation claim, pay to Jonathan
8 Reisdorff and Rod Rehm, Rehm Bennett Moore Rehm Ockander, P.C., L.L.O.,
9 3701 Union Drive, Suite 200, Lincoln, NE 68516, out of the Workers'
10 Compensation Claims Revolving Fund.

11 The claims included in this section shall be paid through Program
12 593 in Agency 65.

13 For informational purposes only, the appropriations contained in
14 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>\$782,290.00</u>
<u>TOTAL</u>	<u>\$782,290.00</u>

20 Sec. 5. The following sums of money, or so much thereof as may be
21 required, are hereby appropriated from the General Fund or from other
22 funds as indicated in the state treasury, not otherwise appropriated, for
23 the payment of tort claims which have been settled by the State Claims
24 Board and approved by the district court, which have been settled by the
25 Attorney General in the district court, or in which court judgments have
26 been entered and which require the approval of the Legislature for
27 payment.

28 \$225,000.00 for Tort Claim Number 2017-16781, against the State of
29 Nebraska, pay to Josephus Pickett and Friedman Law Offices, P.C., L.L.O.,
30 3800 Normal Blvd, Suite 200, P.O. Box 82009, Lincoln, NE 68501, out of
31 the State Insurance Fund.

1 \$350,000.00 for Tort Claim Number 2017-17088, against the State of
2 Nebraska, pay to Gil Winkelman and Michelle Epstein, Ausman Law Firm,
3 P.C., L.L.O., 9850 Nicholas Street, Suite 305, Omaha, NE 86114, out of
4 the State Insurance Fund.

5 \$25,000.00 for Tort Claim Number 2017-17088, against the State of
6 Nebraska, pay to BC/BS, Attn: Subrogation, 1919 Aksarben Drive, Omaha, NE
7 68130, out of the State Insurance Fund.

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

10 For informational purposes only, the appropriations contained in
11 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>\$600,000.00</u>
<u>TOTAL</u>	<u>\$600,000.00</u>

17 Sec. 6. The Director of Administrative Services is hereby
18 authorized and directed to draw his or her warrants upon the funds in the
19 state treasury enumerated in this act, in favor of the several
20 beneficiaries named in this act for the amount set opposite their
21 respective names, upon the presentation of proper vouchers therefor. The
22 several amounts appropriated in this act shall be in full payment of any
23 and all claims, rights, causes of action, damages, and demands of every
24 character and kind owing by or against the State of Nebraska, its
25 officers, agents, and employees, and their successors and assigns with
26 respect to each of the beneficiaries respectively in whose favor the
27 appropriations are made. The director shall not deliver any warrant for
28 any items appropriated in this act until a receipt and release in full,
29 releasing the State of Nebraska, its officers, employees, and agents, and
30 their successors and assigns, has been filed by each of the beneficiaries
31 respectively. Upon presentation of the warrants, the State Treasurer is

1 hereby directed to pay the same out of money in the General Fund or out
2 of money in other funds indicated in this act not otherwise appropriated.

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

6 \$119,318.25 for Request Number 2019-18857, made by the Department of
7 Veterans' Affairs.

8 \$140,183.33 for Request Number 2019-18873, made by the Department of
9 Transportation.

10 \$7,731.36 for Request Number 2019-18876, made by the Game and Parks
11 Commission.

12 \$831,376.21 for Request Number 2019-18877, made by the Department of
13 Health and Human Services.

14 \$147.25 for Request Number 2019-18878, made by the Supreme Court.

15 \$4,980,784.21 for Request Number 2019-18881, made by the Department
16 of Labor.

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