

# LEGISLATIVE BILL 464

Approved by the Governor May 27, 2019

Introduced by Hansen, M., 26.

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 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 claims arising out of miscellaneous items of indebtedness owing by the State of Nebraska.

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

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

The claims included in this section shall be paid through Program 536 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>\$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>

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.

\$35,000.00 for Tort Claim Number 2016-15465, against the State of Nebraska, pay to Donald Johnson and Mark D. Kratina, Mark D. Kratina, P.C., 300 Jackson Place, 514 South 13th Street, Omaha, NE 68102-2837, out of the General Fund.

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

Sec. 3. 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 an indemnification claim which has been settled by the State Claims Board and approved by the district court, which has been settled by the Attorney General in the district court, or in which a court judgment has been entered and which requires the approval of the Legislature for payment.

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

Omaha, NE 68154, out of the General Fund.

The claim included in this section shall be paid through Program 592 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>\$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>

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 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.

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

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

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

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

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

\$80,000.00 for a workers' compensation claim, pay to William Lichtenwaldt and Brett McArthur, 140 South 27th Street, Suite D, Lincoln, NE 68510, out of the Workers' Compensation Claims Revolving Fund.

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

\$75,000.00 for a workers' compensation claim, pay to Jonathan Reisdorff and Rod Rehm, Rehm Bennett Moore Rehm Ockander, P.C., L.L.O., 3701 Union Drive, Suite 200, Lincoln, NE 68516, 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>\$782,290.00</u>
<u>TOTAL</u>	<u>\$782,290.00</u>

Sec. 5. 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.

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

\$350,000.00 for Tort Claim Number 2017-17088, against the State of Nebraska, pay to Gil Winkelman and Michelle Epstein, Ausman Law Firm, P.C., L.L.O., 9850 Nicholas Street, Suite 305, Omaha, NE 68114, out of the State Insurance Fund.

\$25,000.00 for Tort Claim Number 2017-17088, against the State of Nebraska, pay to BC/BS, Attn: Subrogation, 1919 Aksarben Drive, Omaha, NE 68130, 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>\$600,000.00</u>
<u>TOTAL</u>	<u>\$600,000.00</u>

Sec. 6. 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. 7. 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:

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

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

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

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

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

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

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