

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 927

FINAL READING

Introduced by Business and Labor Committee: Hansen, M., 26, Chairperson;
Chambers, 11; Crawford, 45; Halloran, 33; Lathrop, 12;
Slama, 1.

Read first time January 10, 2020

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 state settlement, which has been settled by the Attorney
5 General in the district court and which requires the approval of the
6 Legislature for payment.

7 \$107,243.21 for 8:16CV546, a self-insured liability settlement with
8 Riley Nicole Shadle, against the State of Nebraska, pay to Michael D.
9 Gooch, Attorney, 7215 North 162nd Street, Bennington, NE 68007, out of
10 the General Fund.

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

13 For informational purposes only, the appropriation contained in this
14 section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$107,243.21</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$107,243.21</u>

20 Sec. 2. The following sum of money, or so much thereof as may be
21 required, is 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 attorney's fees and costs associated with a required
24 appearance before a tribunal for which the state agency has insufficient
25 funds to pay, which requires the approval of the Legislature for payment.

26 \$50,628.87 for Case No. CI 20-29 in Lancaster County District Court
27 and Case No. CI 20-46 in Hall County District Court for self-insured
28 liability attorney's fees and costs for which there is insufficient
29 agency funding, against the State Racing Commission, pay to Lamson Dugan
30 and Murray LLP, 10306 Regency Parkway Drive, Omaha, NE 68114-3708, out of
31 the Racing Commission's Cash Fund.

1 The amount included in this section shall be paid through Program
2 536 in Agency 65.

3 For informational purposes only, the appropriation contained in this
4 section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$50,628.87</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$50,628.87</u>

10 Sec. 3. The following sums of money, or so much thereof as may be
11 required, are hereby appropriated from the General Fund or from other
12 funds as indicated in the state treasury, not otherwise appropriated, for
13 the payment of tort claims which have been settled by the State Claims
14 Board and approved by the district court, which have been settled by the
15 Attorney General in the district court, or in which court judgments have
16 been entered and which require the approval of the Legislature for
17 payment.

18 \$335,000.00 for Tort Claim Number 2017-16279, against the State of
19 Nebraska, pay to Disability Rights Nebraska Trust Account on behalf of
20 Ruth Cecetka, 134 South 13th Street, Suite 600, Lincoln, NE 68508, out of
21 the General Fund.

22 \$850,000.00 for Tort Claim Numbers 2018-18149 and 2018-18150,
23 against the State of Nebraska, pay jointly to Christine Allen (now
24 "Harms") and Cynthia Allen; Woods & Aitken LLP, 301 South 13th Street,
25 Suite 500, Lincoln, NE 68508-2578, out of the General Fund.

26 The claims included in this section shall be paid through Program
27 591 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>
<u>GENERAL FUND</u>	<u>\$1,185,000.00</u>

1	<u>CASH FUND</u>	<u>\$-0-</u>
2	<u>REVOLVING FUND</u>	<u>\$-0-</u>
3	<u>TOTAL</u>	<u>\$1,185,000.00</u>

4 Sec. 4. The following sums of money, or so much thereof as may be
5 required, are 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 workers' compensation claims which have been settled by
8 the Attorney General in the Nebraska Workers' Compensation Court or in
9 which court judgments have been entered and which require the approval of
10 the Legislature for payment.

11 \$116,898.88 for a workers' compensation claim, pay to American
12 General Annuity Service Corporation, f/b/o Randy Bradley, 2271 SE 27th
13 Avenue, Amarillo, TX 79103, out of the Workers' Compensation Claims
14 Revolving Fund.

15 \$140,834.84 for a workers' compensation claim, pay to Randy Bradley
16 and David Handley, 2809 S 160th Street, Suite 309, Omaha, NE 68130, out
17 of the Workers' Compensation Claims Revolving Fund.

18 \$25,000.00 for a workers' compensation claim, pay to Michael Morgan
19 and Joe Dowding, Dowding, Dowding, Dowding & Urbom Law Office, 201 North
20 8th Street, Suite 242, P.O. Box 83103, Lincoln, NE 68510, out of the
21 Workers' Compensation Claims Revolving Fund.

22 The claims included in this section shall be paid through Program
23 593 in Agency 65.

24 For informational purposes only, the appropriations contained in
25 this section and fund source:

26	<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
27	<u>GENERAL FUND</u>	<u>\$-0-</u>
28	<u>CASH FUND</u>	<u>\$-0-</u>
29	<u>REVOLVING FUND</u>	<u>\$282,733.72</u>
30	<u>TOTAL</u>	<u>\$282,733.72</u>

31 Sec. 5. The following sums of money, or so much thereof as may be

1 required, are hereby appropriated from the General Fund or from other
2 funds as indicated in the state treasury, not otherwise appropriated, for
3 the payment of tort claims which have been settled by the State Claims
4 Board and approved by the district court, which have been settled by the
5 Attorney General in the district court, or in which court judgments have
6 been entered and which require the approval of the Legislature for
7 payment.

8 \$90,000.00 for Tort Claim Number 2016-15375, against the State of
9 Nebraska, pay to Jennifer Urbina and Dyer Law, Attorney, Dyer Law PC,
10 LL0, 2611 South 117th Street, Omaha, NE 68144, out of the State Insurance
11 Fund.

12 \$112,000.00 for Tort Claim Number 2016-16049, against the State of
13 Nebraska, pay to Copple and Rockey Trust Account, 2425 Taylor Avenue,
14 P.O. Box 78, Norfolk, NE 68701, out of the State Insurance Fund.

15 \$323,846.79 for Tort Claim Number 2017-16406, against the State of
16 Nebraska, pay to Kevin Nibble and Law Office of Sodoro, Mooney, and
17 Lenaghan, 13924 Gold Circle, Omaha, NE 68144, out of the State Insurance
18 Fund.

19 The claims included in this section shall be paid through Program
20 594 in Agency 65.

21 For informational purposes only, the appropriations contained in
22 this section and fund source:

23 <u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
24 <u>GENERAL FUND</u>	<u>\$-0-</u>
25 <u>CASH FUND</u>	<u>\$-0-</u>
26 <u>REVOLVING FUND</u>	<u>\$525,846.79</u>
27 <u>TOTAL</u>	<u>\$525,846.79</u>

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

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

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

17 \$8,045.21 for Request Number 2020-19968, made by the Nebraska Public
18 Employees Retirement System.

19 \$1,469,717.55 for Request Number 2020-19974, made by the Department
20 of Health and Human Services.

21 \$110,998.88 for Request Number 2020-19977, made by the Department of
22 Veterans' Affairs.

23 \$112,695.24 for Request Number 2020-19978, made by the Department of
24 Transportation.

25 \$910,000.00 for Request Number 2020-19991, made by the Nebraska
26 State Patrol.

27 \$63,342,441.64 for Request Number 2020-19996, made by the Department
28 of Labor.

29 \$5,952.89 for Request Number 2020-19997, made by the Game and Parks
30 Commission.

31 \$760.00 for Request Number 2020-19998, made by the State Fire

1 Marshal.

2 \$83,174.24 for Request Number 2020-19999, made by the Department of
3 Motor Vehicles.

4 \$3.00 for Request Number 2020-20010, made by the Nebraska Workers'
5 Compensation Court.

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