

LEGISLATIVE BILL 927

Approved by the Governor August 06, 2020

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

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

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

Sec. 2. 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 attorney's fees and costs associated with a required appearance before a tribunal for which the state agency has insufficient funds to pay, which requires the approval of the Legislature for payment.

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

The amount 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>\$-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>

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 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.

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

\$850,000.00 for Tort Claim Numbers 2018-18149 and 2018-18150, against the State of Nebraska, pay jointly to Christine Allen (now "Harms") and Cynthia Allen; Woods & Aitken LLP, 301 South 13th Street, Suite 500, Lincoln, NE 68508-2578, out of the General 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>\$1,185,000.00</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$1,185,000.00</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.

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

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

\$25,000.00 for a workers' compensation claim, pay to Michael Morgan and Joe Dowding, Dowding, Dowding, Dowding & Urbom Law Office, 201 North 8th Street, Suite 242, P.O. Box 83103, Lincoln, NE 68510, 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>\$282,733.72</u>
<u>TOTAL</u>	<u>\$282,733.72</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.

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

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

\$323,846.79 for Tort Claim Number 2017-16406, against the State of Nebraska, pay to Kevin Nibble and Law Office of Sodoro, Mooney, and Lenaghan, 13924 Gold Circle, Omaha, NE 68144, 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>\$525,846.79</u>
<u>TOTAL</u>	<u>\$525,846.79</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:

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

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

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

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

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

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

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

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

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

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

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