

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1188

FINAL READING

Introduced by Riepe, 12.

Read first time January 12, 2024

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

9 \$100,000.00 for Indemnification Claim No. CI 20-918 against the
10 State of Nebraska, pay to Trust Account of Rehm, Moore and Rehm, P.C.,
11 L.L.O., 3701 Union Drive, Number 200, Lincoln, Nebraska 68516, out of the
12 General Fund.

13 The claim included in this section shall be paid through Program 592
14 in Agency 65.

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$100,000.00</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$100,000.00</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 workers' compensation claims which have been settled by
26 the Attorney General in the Nebraska Workers' Compensation Court or in
27 which court judgments have been entered and which require the approval of
28 the Legislature for payment.

29 \$15,000.00 for a workers' compensation claim, pay to Landis Johnson,
30 7828 Framton Road, Lincoln, Nebraska 68516-6359, out of the Workers'
31 Compensation Claims Revolving Fund.

1 \$210,000.00 for a workers' compensation claim, pay to Atwood Law,
2 575 Fallbrook Boulevard, Suite 206, Lincoln, Nebraska 68521, on behalf of
3 Landis Johnson, out of the Workers' Compensation Claims Revolving Fund.

4 \$10,164.00 for a workers' compensation claim, pay to Christine
5 Schmidt, 45787 South Old Highway 83, Wellfleet, Nebraska 69170, out of
6 the Workers' Compensation Claims Revolving Fund.

7 \$125,000.00 for a workers' compensation claim, pay to Handley Law,
8 P.C., L.L.O., 1141 H Street, Lincoln, Nebraska 68508, on behalf of
9 Christine Schmidt, out of the Workers' Compensation Claims Revolving
10 Fund.

11 \$350,000.00 for a workers' compensation claim, pay to Dowding,
12 Dowding, Dowding, and Urbom, 201 North 8th Street, Suite 242, Lincoln,
13 Nebraska 68501, on behalf of Santino Madut Akot.

14 The claims included in this section shall be paid through Program
15 593 in Agency 65.

16 For informational purposes only, the appropriations contained in
17 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>\$710,164.00</u>
<u>TOTAL</u>	<u>\$710,164.00</u>

23 Sec. 3. The following sums of money, or so much thereof as may be
24 required, are hereby appropriated from the General Fund or from other
25 funds as indicated in the state treasury, not otherwise appropriated, for
26 the payment of tort claims which have been settled by the State Claims
27 Board and approved by the district court, which have been settled by the
28 Attorney General in the district court, or in which a court judgment has
29 been entered and which requires the approval of the Legislature for
30 payment.

31 \$4,450,000.00 for Claim Number 2020-20092, against the State of

1 Nebraska, pay to the Trust Account of Simmons Olsen Law Firm, P.C.,
2 L.L.O., 1502 2nd Avenue, Scottsbluff, Nebraska 69361, on behalf of Miles
3 and Christy Margritz, out of the State Insurance Fund.

4 \$2,500,000.00 for Claim Number 2020-20092, against the State of
5 Nebraska, pay to New York Life Insurance Company, 30 Hudson Street, 22nd
6 Floor, Jersey City, New Jersey 07302, out of the State Insurance Fund.

7 \$500,000.00 for Claim Number 2020-20092, against the State of
8 Nebraska, pay to Pacific Life and Annuity Services, Inc., 700 Newport
9 Center Drive, Newport Beach, California 92660, out of the State Insurance
10 Fund.

11 \$100,000.00 for Claim Number 2021-20575, against the State of
12 Nebraska, pay to Carlson and Blakeman, LLP, 2002 Douglas Street, Suite
13 100, Omaha, Nebraska 68102, on behalf of Abigail Comstock, out of the
14 State Insurance Fund.

15 \$100,000.00 for Claim Number 2021-20576, against the State of
16 Nebraska, pay to Carlson and Blakeman, LLP, 2002 Douglas Street, Suite
17 100, Omaha, Nebraska 68102, on behalf of Amy Comstock, out of the State
18 Insurance 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:

<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>\$7,650,000.00</u>
<u>TOTAL</u>	<u>\$7,650,000.00</u>

28 Sec. 4. 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. 5. 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 \$201,117.22 for Request Number 2024-23308, made by the Department of
18 Transportation.

19 \$8,829.58 for Request Number 2024-23314, made by the Department of
20 Veterans' Affairs.

21 \$1,495,029.34 for Request Number 2024-23321, made by the Department
22 of Health and Human Services.

23 \$1,690.00 for Request Number 2024-23326, made by the State Fire
24 Marshal.

25 \$931,307.28 for Request Number 2024-23327, made by the Department of
26 Labor.

27 \$1,017,071.36 for Request Number 2024-23366, made by the Department
28 of Labor.

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