

LEGISLATIVE BILL 1019

Approved by the Governor April 2, 2008

Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Lathrop, 12; McGill, 26; Wallman, 30; White, 8.

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; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. There is hereby appropriated the following sum of money, or so much thereof as may be required, 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.

\$14,329.25 for Claim Number 2007-01741, against the Department of Revenue, pay to WESCO Insurance Company, 2700 Sanders Road, Prospect Heights, IL 60070, 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>14,329.25</u>
<u>TOTAL</u>	<u>14,329.25</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 Attorney General in the district court or in which court judgments have been entered and which require the approval of the Legislature for payment.

\$9,900,000.00 for Tort Claim Number 01-009, against the Department of Roads, pay to Gail Fickle and the law firm of Keating, O'Gara, Nedved & Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508-2795, out of the Roads Operations Cash Fund.

\$49,500.00 for Tort Claim Number 02-858, against the Department of Health and Human Services, pay to Jennifer Hoover-Richardson and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$25,000.00 for Tort Claim Number 02-859, against the Department of Health and Human Services, pay to Theresa Liberte-Ray and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$15,000.00 for Tort Claim Number 02-860, against the Department of Health and Human Services, pay to Ethel Hanger and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$17,500.00 for Tort Claim Number 02-861, against the Department of Health and Human Services, pay to Penny Greenbush and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$45,500.00 for Tort Claim Number 02-862, against the Department of Health and Human Services, pay to Elizabeth Morgan and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$30,000.00 for Tort Claim Number 02-863, against the Department of Health and Human Services, pay to Selena Taylor-Yazowski and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$22,500.00 for Tort Claim Number 03-001, against the Department of Health and Human Services, pay to Mary Witter and Brett McArthur, Attorney, 140 South 27th Street, #D, Lincoln, Nebraska 68510, out of the General Fund.

\$25,100.57 for Tort Claim Number 03-132, against the Department of Correctional Services, pay to Jeffry D. Patterson, Attorney, Bartle & Geier Law Firm, 1141 H Street, P.O. Box 83104, Lincoln, NE 68501-3104, out of the

General Fund.

\$20,000.00 for Tort Claim Number 03-152, against the Department of Health and Human Services, pay to Robin Heuertz and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$25,000.00 for Tort Claim Number 03-492, against the Department of Health and Human Services, pay to David Domina on behalf of Danielle Murray, 2425 South 144th Street, Omaha, NE 68144, out of the General Fund.

\$10,500.00 for Tort Claim Number 03-892, against the Department of Health and Human Services, pay to Sara Medlin and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$10,000.00 for Tort Claim Number 03-893, against the Department of Health and Human Services, pay to Tamica Starks and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$20,000.00 for Tort Claim Number 03-918, against the Department of Health and Human Services, pay to Kim Hudson and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

\$225,000 for Tort Claim Numbers 04-801 and 04-802, against the Department of Roads, pay to Theodore Neubert and Hauptman, O'Brien, Wolf and Lathrop, Attorney, 1005 South 107th Avenue, Suite 200, Omaha, Nebraska 68114-4707, out of the State Insurance Fund.

\$75,000.00 for Tort Claim Numbers 00-577 and 99-686, against the Department of Health and Human Services, pay to Steven Renteria, Attorney, and the conservator for Keith Dwayne Nolen, Jr., Faith Almeda Nolen, Nathan James Lee Nolen, Charles Angus Burris, Richard Travis Burris, Zachary Michael Nolen, Ryan Allan Nolen, and Emma Louise Burris, 1905 Harney Street, Omaha, Nebraska 68102, out of the General Fund.

The claims included in this section shall be paid through programs 591 and 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>390,600.57</u>
<u>CASH FUND</u>	<u>9,900,000.00</u>
<u>REVOLVING FUND</u>	<u>225,000.00</u>
<u>TOTAL</u>	<u>10,515,600.57</u>

Sec. 3. 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. 4. 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:

\$1,352.50 for Request Number 2007-01177, made by the State Surveyor.  
\$130.01 for Request Number 2007-01364, made by the Nebraska Supreme Court.

\$25.00 for Request Number 2007-01728, made by the Department of Health and Human Services for the Hastings Regional Center.

\$95.18 for Request Number 2008-02081, made by the Clerk of the Legislature.

\$3,516.04 for Request Number 2008-02148, made by the Military Department.

\$385,746.64 for Request Number 2008-02206, made by the Department of Health and Human Services.

\$122.11 for Request Number 2008-02286, made by the Department of Roads.

\$2,564.74 for Request Number 2008-02287, made by the Department of Roads.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.