

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 628

FINAL READING

Introduced by Business and Labor Committee: Lathrop, 12,
Chairperson; McGill, 26; Schilz, 47; Wallman,
30; White, 8.

Read first time January 21, 2009

Committee: Business and Labor

A BILL

- 1 FOR AN ACT relating to claims against the state; to appropriate
- 2 funds for the payment of certain claims; to provide for
- 3 payment of the claims; to authorize agencies to write off
- 4 certain claims; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. There are hereby appropriated the following
 2 sums of money, or so much thereof as may be required, from
 3 the General Fund or from other funds as indicated in the state
 4 treasury, not otherwise appropriated, for the payment of claims
 5 arising out of miscellaneous items of indebtedness owing by the
 6 State of Nebraska.

7 \$87,387.20 for Miscellaneous Claim Number 2009-03297,
 8 against the Secretary of State, pay to Nebraska Press Advertising
 9 Service, 845 S Street, Lincoln, Nebraska 68508, out of the General
 10 Fund.

11 \$209,549.92 for Miscellaneous Claim Number 2009-03442,
 12 against the Department of Correctional Services, pay to Ogborn,
 13 Summerlin, and Ogborn, P.C., 610 J Street, Suite 2008, Lincoln,
 14 Nebraska 68508, out of the General Fund.

15 The claims included in this section shall be paid through
 16 program 536 in Agency 65.

17 For informational purposes only, the appropriations
 18 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>296,937.12</u>
<u>TOTAL</u>	<u>296,937.12</u>

22 Sec. 2. The following sums of money, or so much thereof
 23 as may be required, are hereby appropriated from the General
 24 Fund or from other funds as indicated in the state treasury, not
 25 otherwise appropriated, for the payment of tort claims which have

1 been settled by the State Claims Board and approved by the district
2 court, which have been settled by the Attorney General in the
3 district court, or in which court judgments have been entered and
4 which require the approval of the Legislature for payment.

5 \$150,588.52 for Tort Claim Number 04-127, against the
6 Department of Roads, pay to Ross Ostergard and P. Stephen Potter,
7 Attorney, 822 Lave Avenue, P.O. Box 348, Gothenburg, Nebraska
8 69138, out of the Roads Operations Cash Fund.

9 \$3,567,345.14 for Tort Claim Numbers 04-275, 04-297,
10 and 04-298, against the Department of Roads, pay to William F.
11 Kirkwood, Robert C. Johnson, Mavis M. Johnson, and the law firm
12 of Hickey & Evans, LLC, 1800 Carey Avenue, Suite 700, Cheyenne,
13 Wyoming 82001, out of the Roads Operations Cash Fund.

14 \$2,500.00 for Tort Claim Number 2007-01616, against the
15 Department of Roads, pay to Joshua Vandenberg and Vince Powers, 411
16 South 13th Street, Suite 300, Lincoln, Nebraska 68508, out of the
17 Roads Operations Cash Fund.

18 \$69,000.00 for Tort Claim Number 2008-01916, against the
19 Department of Roads, pay to Steven Werner, 2261 150th Street,
20 Petersburg, Nebraska 68652, out of the State Insurance Fund.

21 \$156,157.32 for Tort Claim Number 2007-01467, against
22 the Game and Parks Commission, pay to Kayla Trebesch and Lee Kit
23 McCahren, 117 E Capitol, Pierre, South Dakota 57501, out of the
24 State Insurance Fund.

25 \$57,606.73 for Tort Claim Number 2009-03181, against the

1 Game and Parks Commission, pay to State of South Dakota Employee
 2 Health Plan, 500 E Capitol, Pierre, South Dakota 57501, out of the
 3 State Insurance Fund.

4 \$600,000.00 for Tort Claim Number 2009-03528, against
 5 the Department of Health and Human Services, pay to David
 6 Manes, Personal Representative of the Estate of Olivia Manes,
 7 and Jefferson Downing, 530 South 13th Street, Suite 100, Lincoln,
 8 Nebraska 68508, out of the General Fund.

9 The claims included in this section shall be paid through
 10 program 591 or program 594 in Agency 65.

11 For informational purposes only, the appropriations
 12 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
14 <u>GENERAL FUND</u>	600,000.00
15 <u>CASH FUND</u>	3,720,433.66
16 <u>REVOLVING FUND</u>	282,764.05
17 <u>TOTAL</u>	<u>4,603,197.71</u>

18 Sec. 3. The Director of Administrative Services is hereby
 19 authorized and directed to draw his or her warrants upon the
 20 funds in the state treasury enumerated in this act, in favor of
 21 the several beneficiaries named in this act for the amount set
 22 opposite their respective names upon the presentation of proper
 23 vouchers therefor. The several amounts appropriated in this act
 24 shall be in full payment of any and all claims, rights, causes
 25 of action, damages, and demands of every character and kind owing

1 by or against the State of Nebraska, its officers, agents, and
2 employees, and their successors and assigns with respect to each
3 of the beneficiaries respectively in whose favor the appropriations
4 are made. The director shall not deliver any warrant for any
5 items appropriated in this act until a receipt and release in
6 full, releasing the State of Nebraska, its officers, employees, and
7 agents, and their successors and assigns, has been filed by each of
8 the beneficiaries respectively. Upon presentation of the warrants,
9 the State Treasurer is hereby directed to pay the same out of money
10 in the General Fund or out of money in other funds indicated in
11 this act not otherwise appropriated.

12 Sec. 4. The following requests were filed by state
13 agencies seeking permission to write off certain accounts. The
14 State Claims Board reviewed and approved the following requests:

15 \$202.53 for Request Number 2008-02408, made by the
16 Nebraska Supreme Court.

17 \$61.64 for Request Number 2009-03129, made by the Clerk
18 of the Legislature.

19 \$260,275.00 for Request Number 2009-03176, made by the
20 Department of Health and Human Services.

21 \$2,456.79 for Request Number 2009-03206, made by the
22 Military Department.

23 \$22,796.08 for Request Number 2009-03218, made by the
24 Nebraska Workers' Compensation Court.

25 \$12,249.31 for Request Number 2009-03243, made by the

1 Department of Roads.

2 \$176.82 for Request Number 2009-03246, made by the

3 Nebraska Supreme Court.

4 \$4,470.00 for Request Number 2009-03339, made by the

5 State Fire Marshal.

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