

LEGISLATIVE BILL 1090

Approved by the Governor April 1, 2010

Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; Carlson, 38; 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 as prescribed; and to declare an emergency.

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

Section 1. 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.

\$145,000.00 for Tort Claim Numbers 02-591, 02-592, 02-593, 02-594, 02-595, and 02-596, against the Department of Health and Human Services, pay \$45,000.00 to Harris Kuhn Law Firm, Tiffany McLaughlin, and Bill McLaughlin and \$100,000.00 to MetLife Tower Resource Group, Inc., out of the General Fund.

\$32,973.56 for Tort Claim Numbers 2006-00661 and 2006-00727 against the Department of Roads, pay to Eric B. Brown, in trust for James and Susan Christman, 1133 H Street, Lincoln, NE 68508, out of the Roads Operations Cash Fund.

\$1,450,000 for Tort Claim Number 2008-02412 against the Department of Roads, pay to Tom Wolfe and James E. Schaefer, attorney, out of the Roads Operations Cash Fund.

\$225,869.24 for Tort Claim Number 2009-03745, against the Supreme Court, pay to Yvonne Watson, 1311 Bridle Drive, North Platte, NE 69101, 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>\$370,869.24</u>
<u>CASH FUND</u>	<u>\$1,482,973.56</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$1,853,842.80</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 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.

\$19,000.00 for a Workers' Compensation Claim, pay to Charyl Henne and Kirk Meade, 213 East Holland Avenue, Alpine, TX 79830, out of the Workers' Compensation Claims Revolving Fund.

\$100,000.00 for a Workers' Compensation Claim, pay to Bradley Warner and James Bocott, 121 West 2nd Street, North Platte, NE 69103, 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>\$119,000.00</u>
<u>TOTAL</u>	<u>\$119,000.00</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:

\$4,372.15 for Request Number 2009-03468, made by the Department of Insurance.

\$40.00 for Request Number 2009-03469, made by the Department of Insurance.

\$6.00 for Request Number 2009-03470, made by the Department of Insurance.

\$19,459.22 for Request Number 2009-03743, made by the Lottery Division of the Department of Revenue.

\$60.00 for Request Number 2009-03910, made by the Department of Health and Human Services.

\$38,251.53 for Request Number 2010-04016, made by the Nebraska Accountability and Disclosure Commission.

\$2.89 for Request Number 2010-04102, made by the Legislative Council.

\$413,878.22 for Request Number 2010-04118, made by the Department of Health and Human Services.

\$1,082.47 for Request Number 2010-04177, made by the Military Department.

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