

## LEGISLATIVE BILL 628

Approved by the Governor May 19, 2009

Introduced by Business and Labor Committee: Lathrop, 12, Chairperson; McGill, 26; Schilz, 47; 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 are hereby appropriated the following sums 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.

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

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

The claims included in this section shall be paid through program 536 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>296,937.12</u>
<u>TOTAL</u>	<u>296,937.12</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 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.

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

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

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

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

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

\$57,606.73 for Tort Claim Number 2009-03181, against the Game and Parks Commission, pay to State of South Dakota Employee Health Plan, 500 E Capitol, Pierre, South Dakota 57501, out of the State Insurance Fund.

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

The claims included in this section shall be paid through program 591 or 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>600,000.00</u>
<u>CASH FUND</u>	<u>3,720,433.66</u>
<u>REVOLVING FUND</u>	<u>282,764.05</u>
<u>TOTAL</u>	<u>4,603,197.71</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:

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

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

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

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

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

\$12,249.31 for Request Number 2009-03243, made by the Department of Roads.

\$176.82 for Request Number 2009-03246, made by the Nebraska Supreme Court.

\$4,470.00 for Request Number 2009-03339, made by the State Fire Marshal.

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