

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1072

Final Reading

Introduced by Business and Labor Committee: Lathrop, 12,
Chairperson; Ashford, 20; Cook, 13; Harr, 8; Wallman,
30.

Read first time January 18, 2012

Committee: Business and Labor

A BILL

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

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

6 \$72,325.05 for Miscellaneous Claim Number 2011-11204,
7 against the Department of Health and Human Services, pay to Better
8 Living Counseling Services, Inc., Attn: Mary Hewitt, Attorney at Law,
9 11404 West Dodge Road, Suite 500, Omaha, NE 68154, out of the General
10 Fund.

11 \$77,275.62 for Miscellaneous Claim Number 2012-11510,
12 against the Department of Health and Human Services, pay to R&F
13 Hobbies, Inc., dba. Prince of the Road, Attn: Michael E. Kelley/
14 Kenneth F. George, Attorneys at Law, P.O. Box 1685, Kearney, NE
15 68848-1685, out of the General Fund.

16 \$108,588.53 for Miscellaneous Claim Number 2012-11679,
17 against the Department of Health and Human Services, pay to
18 Pathfinder Support Services, Inc., Attn: Brian Essen, 751 North
19 Lincoln Avenue, Fremont, NE 68025, out of the General Fund.

20 \$11,522.72 for Miscellaneous Claim Number 2012-11744,
21 against the Department of Health and Human Services, pay to Wesley
22 Center Crisis Nursery, Attn: Tracey Olson, 500 West Philip Avenue,
23 Norfolk, NE 68701, out of the General Fund.

24 \$1,232.33 for Miscellaneous Claim Number 2012-11745,
25 against the Department of Health and Human Services, pay to Apex

1 Therapy Services, Attn: Eric Snitchler, Ph.D., P.O. Box 1163,
2 Norfolk, NE 68702-1163, out of the General Fund.

3 \$12,193.14 for Miscellaneous Claim Number 2012-11746,
4 against the Department of Health and Human Services, pay to
5 Beneficial Behavioral Health Services, Inc., Attn: Steven Taylor,
6 4732 South 131st Street, Omaha, NE 68137-1822, out of the General
7 Fund.

8 \$102,725.94 for Miscellaneous Claim Number 2012-11747,
9 against the Department of Health and Human Services, pay to Epworth
10 Village, Attn: Thomas G. McBride, P.O. Box 530, York, NE 68467, out
11 of the General Fund.

12 \$33,748.45 for Miscellaneous Claim Number 2012-11748,
13 against the Department of Health and Human Services, pay to Panhandle
14 Mental Health Center, Attn: Laura Richards, 4110 Avenue D,
15 Scottsbluff, NE 69361, out of the General Fund.

16 \$27,232.13 for Miscellaneous Claim Number 2012-11749,
17 against the Department of Health and Human Services, pay to NorthStar
18 Services, Attn: Kirby Hall, 1202 East 14th Street, P.O. Box 280,
19 Wayne, NE 68787, out of the General Fund.

20 \$5,133.82 for Miscellaneous Claim Number 2012-11750,
21 against the Department of Health and Human Services, pay to Family
22 Resources, Inc., Attn: Kathleen Haas, P.O. Box 222, McCook, NE 69001,
23 out of the General Fund.

24 \$35,483.53 for Miscellaneous Claim Number 2012-11752,
25 against the Department of Health and Human Services, pay to Compass,

1 Attn: Michael E. Kelley/Kenneth F. George, Attorneys at Law, P.O. Box
2 1685, Kearney, NE 68848-1685, out of the General Fund.

3 \$109,761.13 for Miscellaneous Claim Number 2012-11753,
4 against the Department of Health and Human Services, pay to Good Life
5 Counseling and Support, L.L.C., Attn: Laurie Millard, P.O. Box 2315,
6 200 North 34th Street, Norfolk, NE 68702-2315, out of the General
7 Fund.

8 \$14,278.75 for Miscellaneous Claim Number 2012-11754,
9 against the Department of Health and Human Services, pay to Good Life
10 Counseling and Support, L.L.C., Attn: Laurie Millard, P.O. Box 2315,
11 200 North 34th Street, Norfolk, NE 68702-2315, out of the General
12 Fund.

13 \$88,800.53 for Miscellaneous Claim Number 2012-11755,
14 against the Department of Health and Human Services, pay to Mid-
15 Plains Center for Behavioral Healthcare Services, Inc., Attn: Michael
16 E. Kelley/Kenneth F. George, Attorneys at Law, P.O. Box 1685,
17 Kearney, NE 68848-1685, out of the General Fund.

18 \$182,716.98 for Miscellaneous Claim Number 2012-11756,
19 against the Department of Health and Human Services, pay to South
20 Central Behavioral Services, Attn: Michael E. Kelley/Kenneth F.
21 George, Attorneys at Law, P.O. Box 1685, Kearney, NE 68848-1685, out
22 of the General Fund.

23 \$19,366.25 for Miscellaneous Claim Number 2012-11757,
24 against the Department of Health and Human Services, pay to Better
25 Living Counseling Services, Inc., Attn: Mary Hewitt, Attorney at Law,

1 11404 West Dodge Road, Suite 500, Omaha, NE 68154, out of the General
2 Fund.

3 \$36,929.04 for Miscellaneous Claim Number 2012-11758,
4 against the Department of Health and Human Services, pay to Grace
5 Children's Home, Attn: Charles Patrie, Executive Director, P.O. Box
6 519, Henderson, NE 68371-0519, out of the General Fund.

7 \$77,546.76 for Miscellaneous Claim Number 2012-11759,
8 against the Department of Health and Human Services, pay to Christian
9 Heritage Children's Home, Attn: Gregg Nicklas, 14880 Old Cheney Road,
10 Walton, NE 68461, out of the General Fund.

11 \$25,896.51 for Miscellaneous Claim Number 2012-11760,
12 against the Department of Health and Human Services, pay to Nebraska
13 Foster and Adoptive Parent Association, Attn: Pamela Allen, 2431
14 Fairfield Street, Suite C, Lincoln, NE 68521, out of the General
15 Fund.

16 \$257,795.95 for Miscellaneous Claim Number 2012-11763,
17 against the Department of Health and Human Services, pay to Family
18 Skill Building Services, L.L.C., 403 East C Street, North Platte, NE
19 69101, out of the General Fund.

20 \$16,659.01 for Miscellaneous Claim Number 2012-11764,
21 against the Department of Health and Human Services, pay to Midwest
22 Special Services, Attn: Lannie Roblee, P.O. Box 82, Curtis, NE 69025,
23 out of the General Fund.

24 \$421.07 for Miscellaneous Claim Number 2012-11767,
25 against the Department of Health and Human Services, pay to Nebraska

1 Children's Home Society, 4939 South 118th Street, Omaha, NE 68137,
2 out of the General Fund.

3 \$5,815.15 for Miscellaneous Claim Number 2012-11768,
4 against the Department of Health and Human Services, pay to Cedars
5 Youth Services, Attn: Cindy Rudolph, 6601 Pioneers Blvd., Suite 1,
6 Lincoln, NE 68506, out of the General Fund.

7 \$17,863.48 for Miscellaneous Claim Number 2012-11769,
8 against the Department of Health and Human Services, pay to Indiana
9 Developmental Training Center of Lafayette, L.L.C., Attn: Monica
10 Ansay, P.O. Box 78729, Milwaukee, WI 53278, out of the General Fund.

11 \$68,951.38 for Miscellaneous Claim Number 2012-11770,
12 against the Department of Health and Human Services, pay to Building
13 Blocks for Community Enrichment, Attn: Traci S. Taylor, C.F.O., 101
14 East Wilson Avenue, Norfolk, NE 68701, out of the General Fund.

15 \$20,645.45 for Miscellaneous Claim Number 2012-11771,
16 against the Department of Health and Human Services, pay to Mark of
17 Honor Youth Lodge, Inc., Attn: Mark Bazemore, P.O. Box 309, Macy, NE
18 68039, out of the General Fund.

19 \$16,704.36 for Miscellaneous Claim Number 2012-11772,
20 against the Department of Health and Human Services, pay to Mosaic,
21 Attn: Kris D'Ann Maples, Esq., Vice President of Legal Supports, 4980
22 South 118th Street, Omaha, NE 68137, out of the General Fund.

23 \$87,270.30 for Miscellaneous Claim Number 2012-11782,
24 against the Department of Health and Human Services, pay to Norfolk
25 Group Home, Inc., Attn: Sandra McGrath and Shelly McGrath, 201 North

1 12th Street, Norfolk, NE 68701, out of the General Fund.

2 \$8,187.76 for Miscellaneous Claim Number 2012-11783,
3 against the Department of Health and Human Services, pay to
4 Children's Square USA, Attn: Carol D. Wood, P.O. Box 8-C, Council
5 Bluffs, IA 51502-3008, out of the General Fund.

6 \$37,163.72 for Miscellaneous Claim Number 2012-11794,
7 against the Department of Health and Human Services, pay to
8 Behavioral Health Specialists, Inc., Attn: Connie Barnes, 900 West
9 Norfolk Avenue, Suite 200, Norfolk, NE 68701, out of the General
10 Fund.

11 \$5,885.57 for Miscellaneous Claim Number 2012-11797,
12 against the Department of Health and Human Services, pay to Heartland
13 Boys Home, L.L.C., Attn: Mark Billingsley, 1225 Golden Gate Drive,
14 Papillion, NE 68046, out of the General Fund.

15 \$1,689.97 for Miscellaneous Claim Number 2012-11798,
16 against the Department of Health and Human Services, pay to Harvest
17 Haven Group Homes, L.L.C., Attn: Mark Billingsley, 1225 Golden Gate
18 Drive, Papillion, NE 68046, out of the General Fund.

19 \$16,986.79 for Miscellaneous Claim Number 2012-11828,
20 against the Department of Health and Human Services, pay to Human
21 Services, Inc., Attn: Colleen S. Hood, Assistant Director, 419 West
22 25th Street, Alliance, NE 69301, out of the General Fund.

23 \$899.75 for Miscellaneous Claim Number 2012-11830,
24 against the Department of Health and Human Services, pay to Mercy
25 Medical Center, Attn: Judy Pfeifer, 1000 4th Street SW, Mason City,

1 IA 50401, out of the General Fund.

2 \$63,735.00 for Miscellaneous Claim Number 2012-11842,
3 against the Department of Health and Human Services, pay to OMNI
4 Behavioral Health, Attn: Morgan Kelly, General Counsel, 5115 F
5 Street, Omaha, NE 68117, out of the General Fund.

6 \$12,416.61 for Miscellaneous Claim Number 2012-11854,
7 against the Department of Health and Human Services, pay to Apex
8 Foster Care, Inc., Attn: Alicia Zuger, 9945 Maple Street, Omaha, NE
9 68134-5550, out of the General Fund.

10 \$6,933.14 for Miscellaneous Claim Number 2012-11863,
11 against the Department of Health and Human Services, pay to St.
12 Monica's Home, Attn: Jennifer Ekeler, 120 Wedgewood Drive, Lincoln,
13 NE 68510, out of the General Fund.

14 \$402,019.17 for Miscellaneous Claim Number 2012-11882,
15 against the Department of Health and Human Services, pay to BSM Inc.,
16 dba McConaughy Discovery Center, Attn: Jeannine Lane, P.O. Box 299,
17 Ogallala, NE 69153, out of the General Fund.

18 \$5,302.03 for Miscellaneous Claim Number 2012-11895,
19 against the Department of Health and Human Services, pay to Central
20 Mediation Center, Attn: Denise Haupt, P.O. Box 838, Kearney, NE
21 68848-0838, out of the General Fund.

22 \$1,224.00 for Miscellaneous Claim Number 2012-11896,
23 against the Department of Health and Human Services, pay to Women In
24 Community Service - WICS Residence for Girls, Attn: Tauni Waddington,
25 1935 D Street, Lincoln, NE 68502, out of the General Fund.

1 \$4,948.65 for Miscellaneous Claim Number 2012-11897,
2 against the Department of Health and Human Services, pay to Child
3 Saving Institute, Attn: Susan Baumert, 4545 Dodge Street, Omaha, NE
4 68132, out of the General Fund.

5 \$17,883.32 for Miscellaneous Claim Number 2012-11898,
6 against the Department of Health and Human Services, pay to Community
7 Action Partnership of Western Nebraska, Attn: Scott Stockwell, 3350
8 10th Street, Gering, NE 69341, out of the General Fund.

9 \$114.10 for Miscellaneous Claim Number 2012-11899,
10 against the Department of Health and Human Services, pay to Myhanh
11 Che, 1333 North 161st Street, Omaha, NE 68118, out of the General
12 Fund.

13 \$136,258.51 for Miscellaneous Claim Number 2012-11900,
14 against the Department of Health and Human Services, pay to Heartland
15 Family Service, Attn: John Jeanetta, 2101 South 42nd Street, Omaha,
16 NE 68105, out of the General Fund.

17 \$65,671.18 for Miscellaneous Claim Number 2012-11901,
18 against the Department of Health and Human Services, pay to Father
19 Flanagan's Boys' Home, Attn: James L. Fees, P.O. Box 145, Boys Town,
20 NE 68010, out of the General Fund.

21 \$161,541.19 for Miscellaneous Claim Number 2012-11902,
22 against the Department of Health and Human Services, pay to Father
23 Flanagan's Boys' Home, Attn: James L. Fees, P.O. Box 145, Boys Town,
24 NE 68010, out of the General Fund.

25 \$994.25 for Miscellaneous Claim Number 2012-11910,

1 against the Department of Health and Human Services, pay to Donald
 2 Tuggle, 108 South Willow Street, North Platte, NE 69101, out of the
 3 General Fund.

4 \$952.96 for Miscellaneous Claim Number 2012-11911,
 5 against the Department of Health and Human Services, pay to Donald
 6 Tuggle, 108 South Willow Street, North Platte, NE 69101, out of the
 7 General Fund.

8 \$810.26 for Miscellaneous Claim Number 2012-11946,
 9 against the Department of Health and Human Services, pay to Rick
 10 Michaelsen, 405 West Q Street, McCook, NE 69001, out of the General
 11 Fund.

12 \$8,146.69 for Miscellaneous Claim Number 2012-11947,
 13 against the Department of Health and Human Services, pay to Northeast
 14 Nebraska Juvenile Services, Attn: Mark Benne, P.O. Box 50, Madison,
 15 NE 68748, out of the General Fund.

16 \$4,695.00 for Miscellaneous Claim Number 2012-11948,
 17 against the Department of Health and Human Services, pay to Dr. John
 18 Meidlinger, 207 North Pine Street, Suite 100, Grand Island, NE 68801,
 19 out of the General Fund.

20 The claims included in this section shall be paid through
 21 Program 536 in Agency 65.

22 For informational purposes only, the appropriations
 23 contained in this section and fund source:

24 <u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
25 <u>GENERAL FUND</u>	<u>\$2,499,342.98</u>

1	<u>CASH FUND</u>	<u>\$-0-</u>
2	<u>REVOLVING FUND</u>	<u>\$-0-</u>
3	<u>TOTAL</u>	<u>\$2,499,342.98</u>

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

9 \$275,000.00 for Miscellaneous Claim Number 2012-11722,
 10 against Secretary of State John Gale, pay to American Civil Liberties
 11 Union, 125 Broad Street, 18th Floor, New York, NY 10004-2400, out of
 12 the General Fund.

13 The claims included in this section shall be paid through
 14 Program 536 in Agency 65.

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

17	<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
18	<u>GENERAL FUND</u>	<u>\$275,000.00</u>
19	<u>CASH FUND</u>	<u>\$-0-</u>
20	<u>REVOLVING FUND</u>	<u>\$-0-</u>
21	<u>TOTAL</u>	<u>\$275,000.00</u>

22 Sec. 3. The following sums of money, or so much thereof
 23 as may be required, are hereby appropriated from the General Fund or
 24 from other funds as indicated in the state treasury, not otherwise

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

6 \$267,737.62 for Tort Claim Number TC04-646-1, against the
 7 Department of Correctional Services, pay to Barber and Barber, P.C.,
 8 L.L.O., 300 North 44th Street, Suite 205, Lincoln, NE 68504-0555, out
 9 of the General Fund.

10 The claims included in this section shall be paid through
 11 Program 591 in Agency 65.

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>\$267,737.62</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$267,737.62</u>

19 Sec. 4. The following sums of money, or so much thereof
 20 as may be required, are hereby appropriated from the General Fund or
 21 from other funds as indicated in the state treasury, not otherwise
 22 appropriated, for the payment of tort claims which have been settled
 23 by the State Claims Board and approved by the district court, which
 24 have been settled by the Attorney General in the district court, or

1 in which court judgments have been entered and which require the
 2 approval of the Legislature for payment.

3 \$227,500.00 for Tort Claim Number 2011-10813, against the
 4 State of Nebraska, pay to Jenny L. Ternus and Eugene G. Schumacher,
 5 Attorney at Law, Attn: Eugene G. Schumacher, Attorney at Law, P.O.
 6 Box 1305, Columbus, NE 68602-1305, out of the State Insurance Fund.

7 The claims included in this section shall be paid through
 8 Program 594 in Agency 65.

9 For informational purposes only, the appropriations
 10 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>\$227,500.00</u>
<u>TOTAL</u>	<u>\$227,500.00</u>

16 Sec. 5. The Director of Administrative Services is hereby
 17 authorized and directed to draw his or her warrants upon the funds in
 18 the state treasury enumerated in this act, in favor of the several
 19 beneficiaries named in this act for the amount set opposite their
 20 respective names upon the presentation of proper vouchers therefor.
 21 The several amounts appropriated in this act shall be in full payment
 22 of any and all claims, rights, causes of action, damages, and demands
 23 of every character and kind owing by or against the State of
 24 Nebraska, its officers, agents, and employees, and their successors

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

10 Sec. 6. The following requests were filed by state
11 agencies seeking permission to write off certain accounts. The State
12 Claims Board reviewed and approved the following requests:

13 \$2,683.98 for Request Number 2012-11617, made by the
14 Military Department.

15 \$136,153.13 for Request Number 2012-11660, made by the
16 Department of Roads.

17 \$21,233.05 for Request Number 2012-11705, made by the
18 Lottery Division of the Department of Revenue.

19 \$17,746.65 for Request Number 2012-11707, made by the
20 Department of Motor Vehicles.

21 \$3,664,786.12 for Request Number 2012-11708, made by the
22 Department of Health and Human Services.

23 \$7,503.05 for Request Number 2012-11716, made by the
24 Department of Administrative Services.

25 \$101,737.13 for Request Number 2012-11726, made by the

1 State Treasurer.

2 \$215.33 for Request Number 2012-11762, made by the
3 Supreme Court.

4 \$10,557.36 for Request Number 2012-11831, made by the
5 Department of Insurance.

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