

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 585

Final Reading

Introduced by Business and Labor Committee: Lathrop, 12,
Chairperson; Cook, 13; Harr, 8; Smith, 14; Wallman,
30.

Read first time January 19, 2011

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 \$86,026.47 for Miscellaneous Claim Number 2011-11047,
 7 against the State of Nebraska, pay to Nebraska Press Advertising
 8 Service, 845 "S" Street, Lincoln, NE 68508, out of the General Fund.

9 \$136,227.96 for Miscellaneous Claim Number 2011-11127,
 10 against Governor Dave Heineman, pay to Planned Parenthood Federation
 11 of America, 434 West 33rd Street, New York, NY 10001, out of the
 12 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>\$222,254.43</u>
19 <u>CASH FUND</u>	<u>\$-0-</u>
20 <u>REVOLVING FUND</u>	<u>\$-0-</u>
21 <u>TOTAL</u>	<u>\$222,254.43</u>

22 Sec. 2. 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 \$190,000.00 for Tort Claim Number 2008-02654, against the
7 Department of Health and Human Services, pay to Michael Ellsworth,
8 9710 Kensington Circle, Bellevue, NE 68123, Trustee for the Debra Lee
9 Bauer Trust dated January 8, 2011, out of the General Fund.

10 \$50,000.00 for Tort Claim Number 2009-03186, against the
11 Department of Health and Human Services, pay to Carolynne La Frenz,
12 guardian and conservator for Mariah La Frenz, P.O. Box 460, Grand
13 Island, NE 68802, out of the General Fund.

14 \$99,666.37 for Tort Claim Number 2009-03422, against the
15 Department of Roads, pay to Rachel Tipton, c/o Friedman Law Offices,
16 3800 Normal Boulevard, #200, P.O. Box 82009, Lincoln, NE 68501, out
17 of the Roads Operations Cash Fund.

18 \$475,000.00 for Tort Claim Number 2010-04095, against the
19 State of Nebraska, pay to Carroll T. White, personal representative
20 of the estate of Joseph White, 1141 H Street, P.O. Box 83104,
21 Lincoln, NE 68508, out of the General Fund.

22 \$325,000.00 for Tort Claim Number 2010-04096, against the
23 State of Nebraska, pay to Kathleen Gonzalez, 1141 H Street, P.O. Box
24 83104, Lincoln, NE 68508, out of the General Fund.

25 \$180,000.00 for Tort Claim Number 2010-04097, against the

1 State of Nebraska, pay to Thomas Winslow, 1141 H Street, P.O. Box
 2 83104, Lincoln, NE 68508, out of the General Fund.

3 \$260,000.00 for Tort Claim Number TC04-049-1, against the
 4 Department of Health and Human Services, pay to Steve Zastera,
 5 Administrator of the Lucille Kilgore Estate, 222 South 15th Street,
 6 Suite 220 South Tower, Omaha, NE 68102, out of the General Fund.

7 The claims included in this section shall be paid through
 8 Program 591 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>
11 <u>GENERAL FUND</u>	<u>\$1,480,000.00</u>
12 <u>CASH FUND</u>	<u>\$99,666.37</u>
13 <u>REVOLVING FUND</u>	<u>\$-0-</u>
14 <u>TOTAL</u>	<u>\$1,579,666.37</u>

16 Sec. 3. The following sums of money, or so much thereof
 17 as may be required, are hereby appropriated from the General Fund or
 18 from other funds as indicated in the state treasury, not otherwise
 19 appropriated, for the payment of workers' compensation claims which
 20 have been settled by the Attorney General in the Nebraska Workers'
 21 Compensation Court or in which court judgments have been entered and
 22 which require the approval of the Legislature for payment.

23 \$157,286.77 for a Workers' Compensation Claim, pay to
 24 Phillip R. Licking and Tony Brock, attorney, 5625 O Street, Lincoln,

1 NE 68510, out of the Workers' Compensation Claims Revolving Fund.

2 \$175,000.00 for a Workers' Compensation Claim, pay to
3 Patrick Teitge, c/o Harris Kuhn Law Firm, 1005 South 107th Avenue,
4 Suite 100, Omaha, NE 68114, out of the Workers' Compensation Claims
5 Revolving Fund.

6 \$50,000.00 for a Workers' Compensation Claim, pay to
7 Patricia Whitt and David Uher, attorney, P.O. Box 851, Norfolk, NE
8 68701, out of the Workers' Compensation Claims Revolving Fund.

9 The claims included in this section shall be paid through
10 Program 593 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>
<u>GENERAL FUND</u>	<u>\$-0-</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$382,286.77</u>
<u>TOTAL</u>	<u>\$382,286.77</u>

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

1 approval of the Legislature for payment.

2 \$300,000 for Tort Claim Number 2008-02942, against the
 3 Department of Administrative Services, pay to Sue Kirkland, Clerk of
 4 the Lancaster County District Court, 575 South 10th Street, Lincoln,
 5 NE 68508, for satisfaction of judgment in Case No. Cl 09-1927,
 6 Swearingian v. Jackson, et al., out of the State Insurance Fund.

7 \$35,000 for Tort Claim Number 2010-04887, against the
 8 Department of Health and Human Services, pay to Christian Kingery,
 9 2621 South 79th Street, Lincoln, NE 68506, out of the State Insurance
 10 Fund.

11 \$300,000 for Tort Claim Number 2011-10823, against the
 12 Board of Trustees of the Nebraska State Colleges, pay to Maxwell
 13 Baker, 6596 Point Pleasant Road, Elk Grove, CA 95757, and Jones &
 14 Baker Qualified Settlement Fund, 100 Spear Street, Suite 1430, San
 15 Francisco, CA 94105, out of the State Insurance Fund.

16 \$300,000 for Tort Claim Number 2011-10824, against the
 17 Board of Trustees of the Nebraska State Colleges, pay to William
 18 Jones, 6052 Highway 20, Chadron, NE 69337, and Jones & Baker
 19 Qualified Settlement Fund, 100 Spear Street, Suite 1430, San
 20 Francisco, CA 94105, out of the State Insurance Fund.

21 The claims included in this section shall be paid through
 22 Program 594 in Agency 65.

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

25 FUND SOURCE

DOLLAR AMOUNT

1	<u>GENERAL FUND</u>	<u>\$-0-</u>
2	<u>CASH FUND</u>	<u>\$-0-</u>
3	<u>REVOLVING FUND</u>	<u>\$935,000.00</u>
4	<u>TOTAL</u>	<u>\$935,000.00</u>

5 Sec. 5. The Director of Administrative Services is hereby
6 authorized and directed to draw his or her warrants upon the funds in
7 the state treasury enumerated in this act, in favor of the several
8 beneficiaries named in this act for the amount set opposite their
9 respective names upon the presentation of proper vouchers therefor.
10 The several amounts appropriated in this act shall be in full payment
11 of any and all claims, rights, causes of action, damages, and demands
12 of every character and kind owing by or against the State of
13 Nebraska, its officers, agents, and employees, and their successors
14 and assigns with respect to each of the beneficiaries respectively in
15 whose favor the appropriations are made. The director shall not
16 deliver any warrant for any items appropriated in this act until a
17 receipt and release in full, releasing the State of Nebraska, its
18 officers, employees, and agents, and their successors and assigns,
19 has been filed by each of the beneficiaries respectively. Upon
20 presentation of the warrants, the State Treasurer is hereby directed
21 to pay the same out of money in the General Fund or out of money in
22 other funds indicated in this act not otherwise appropriated.

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

1 \$115.36 for Request Number 2010-04378, made by the
2 Supreme Court.

3 \$1,597.00 for Request Number 2011-10655, made by the
4 Nebraska Workers' Compensation Court.

5 \$175,035.79 for Request Number 2011-10656, made by the
6 Department of Roads.

7 \$750.00 for Request Number 2011-10659, made by the State
8 Fire Marshal.

9 \$41,380.14 for Request Number 2011-10661, made by the
10 State Energy Office.

11 \$1,872.00 for Request Number 2011-10662, made by the
12 Department of Insurance.

13 \$1,608.00 for Request Number 2011-10664, made by the
14 Department of Insurance.

15 \$33,755.00 for Request Number 2011-10665, made by the
16 Department of Insurance.

17 \$3,104.00 for Request Number 2011-10666, made by the
18 Department of Insurance.

19 \$44.00 for Request Number 2011-10667, made by the
20 Department of Insurance.

21 \$680,325.58 for Request Number 2011-10686, made by the
22 Department of Health and Human Services.

23 \$74,461.26 for Request Number 2011-10707, made by the
24 Game and Parks Commission.

25 \$4,171.00 for Request Number 2011-10708, made by the

1 Military Department.

2 \$179.89 for Request Number 2011-10825, made by the
3 Supreme Court.

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