

LEGISLATIVE BILL 1072

Approved by the Governor April 2, 2012, with line-item
veto overrides April 3, 2012.

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

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 claims arising out of miscellaneous items of indebtedness owing by the
State of Nebraska.

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

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

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

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

\$1,232.33 for Miscellaneous Claim Number 2012-11745, against the
Department of Health and Human Services, pay to Apex Therapy Services, Attn:
Eric Snitchler, Ph.D., P.O. Box 1163, Norfolk, NE 68702-1163, out of the
General Fund.

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

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

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

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

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

\$35,483.53 for Miscellaneous Claim Number 2012-11752, against the
Department of Health and Human Services, pay to Compass, Attn: Michael
E. Kelley/Kenneth F. George, Attorneys at Law, P.O. Box 1685, Kearney, NE
68848-1685, out of the General Fund.

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

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

\$88,800.53 for Miscellaneous Claim Number 2012-11755, against the
Department of Health and Human Services, pay to Mid-Plains Center for
Behavioral Healthcare Services, Inc., Attn: Michael E. Kelley/Kenneth F.

George, Attorneys at Law, P.O. Box 1685, Kearney, NE 68848-1685, out of the General Fund.

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

\$19,366.25 for Miscellaneous Claim Number 2012-11757, against the Department of Health and Human Services, pay to Better Living Counseling Services, Inc., Attn: Mary Hewitt, Attorney at Law, 11404 West Dodge Road, Suite 500, Omaha, NE 68154, out of the General Fund.

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

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

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

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

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

\$421.07 for Miscellaneous Claim Number 2012-11767, against the Department of Health and Human Services, pay to Nebraska Children's Home Society, 4939 South 118th Street, Omaha, NE 68137, out of the General Fund.

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

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

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

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

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

\$87,270.30 for Miscellaneous Claim Number 2012-11782, against the Department of Health and Human Services, pay to Norfolk Group Home, Inc., Attn: Sandra McGrath and Shelly McGrath, 201 North 12th Street, Norfolk, NE 68701, out of the General Fund.

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

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

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

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

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

\$899.75 for Miscellaneous Claim Number 2012-11830, against the Department of Health and Human Services, pay to Mercy Medical Center, Attn: Judy Pfeifer, 1000 4th Street SW, Mason City, IA 50401, out of the General Fund.

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

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

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

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

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

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

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

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

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

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

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

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

\$994.25 for Miscellaneous Claim Number 2012-11910, against the Department of Health and Human Services, pay to Donald Tuggle, 108 South Willow Street, North Platte, NE 69101, out of the General Fund.

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

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

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

\$4,695.00 for Miscellaneous Claim Number 2012-11948, against the Department of Health and Human Services, pay to Dr. John Meidlinger, 207 North Pine Street, Suite 100, Grand Island, NE 68801, 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>\$2,499,342.98</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$2,499,342.98</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 claims arising out of miscellaneous items of indebtedness owing by the State of Nebraska.

\$275,000.00 for Miscellaneous Claim Number 2012-11722, against Secretary of State John Gale, pay to American Civil Liberties Union, 125 Broad Street, 18th Floor, New York, NY 10004-2400, 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>\$275,000.00</u>
<u>CASH FUND</u>	<u>\$-0-</u>
<u>REVOLVING FUND</u>	<u>\$-0-</u>
<u>TOTAL</u>	<u>\$275,000.00</u>

Sec. 3. 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.

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

Sec. 4. 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.

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

The claims included in this section shall be paid through 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>\$-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>

Sec. 5. 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. 6. 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:

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

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

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

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

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

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

\$101,737.13 for Request Number 2012-11726, made by the State Treasurer.

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

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

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