

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1019

FINAL READING

Introduced by Business and Labor Committee: Cornett, 45,
Chairperson; Lathrop, 12; McGill, 26; Wallman,
30; White, 8.

Read first time January 17, 2008

Committee: Business and Labor

A BILL

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

1 Section 1. There is hereby appropriated the following sum
 2 of money, or so much thereof as may be required, 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 \$14,329.25 for Claim Number 2007-01741, against the
 7 Department of Revenue, pay to WESCO Insurance Company, 2700 Sanders
 8 Road, Prospect Heights, IL 60070, out of the General Fund.

9 The claim included in this section shall be paid through
 10 program 536 in Agency 65.

11 For informational purposes only, the appropriation
 12 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
<u>GENERAL FUND</u>	<u>14,329.25</u>
<u>TOTAL</u>	<u>14,329.25</u>

16 Sec. 2. The following sums of money, or so much thereof
 17 as may be required, are hereby appropriated from the General
 18 Fund or from other funds as indicated in the state treasury, not
 19 otherwise appropriated, for the payment of tort claims which have
 20 been settled by the Attorney General in the district court or
 21 in which court judgments have been entered and which require the
 22 approval of the Legislature for payment.

23 \$9,900,000.00 for Tort Claim Number 01-009, against the
 24 Department of Roads, pay to Gail Fickle and the law firm of
 25 Keating, O’Gara, Nedved & Peter, P.C., L.L.O., 530 South 13th

1 Street, Suite 100, Lincoln, NE 68508-2795, out of the Roads
2 Operations Cash Fund.

3 \$49,500.00 for Tort Claim Number 02-858, against
4 the Department of Health and Human Services, pay to Jennifer
5 Hoover-Richardson and Nebraska Advocacy Services, Attorney, 134
6 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the
7 General Fund.

8 \$25,000.00 for Tort Claim Number 02-859, against the
9 Department of Health and Human Services, pay to Theresa Liberte-Ray
10 and Nebraska Advocacy Services, Attorney, 134 South 13th Street,
11 Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

12 \$15,000.00 for Tort Claim Number 02-860, against the
13 Department of Health and Human Services, pay to Ethel Hanger and
14 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
15 600, Lincoln, Nebraska 68508, out of the General Fund.

16 \$17,500.00 for Tort Claim Number 02-861, against the
17 Department of Health and Human Services, pay to Penny Greenbush and
18 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
19 600, Lincoln, Nebraska 68508, out of the General Fund.

20 \$45,500.00 for Tort Claim Number 02-862, against the
21 Department of Health and Human Services, pay to Elizabeth Morgan
22 and Nebraska Advocacy Services, Attorney, 134 South 13th Street,
23 Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

24 \$30,000.00 for Tort Claim Number 02-863, against
25 the Department of Health and Human Services, pay to Selena

1 Taylor-Yazowski and Nebraska Advocacy Services, Attorney, 134 South
2 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General
3 Fund.

4 \$22,500.00 for Tort Claim Number 03-001, against the
5 Department of Health and Human Services, pay to Mary Witter and
6 Brett McArthur, Attorney, 140 South 27th Street, #D, Lincoln,
7 Nebraska 68510, out of the General Fund.

8 \$25,100.57 for Tort Claim Number 03-132, against the
9 Department of Correctional Services, pay to Jeffry D. Patterson,
10 Attorney, Bartle & Geier Law Firm, 1141 H Street, P.O. Box 83104,
11 Lincoln, NE 68501-3104, out of the General Fund.

12 \$20,000.00 for Tort Claim Number 03-152, against the
13 Department of Health and Human Services, pay to Robin Heuertz and
14 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
15 600, Lincoln, Nebraska 68508, out of the General Fund.

16 \$25,000.00 for Tort Claim Number 03-492, against the
17 Department of Health and Human Services, pay to David Domina on
18 behalf of Danielle Murray, 2425 South 144th Street, Omaha, NE
19 68144, out of the General Fund.

20 \$10,500.00 for Tort Claim Number 03-892, against the
21 Department of Health and Human Services, pay to Sara Medlin and
22 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
23 600, Lincoln, Nebraska 68508, out of the General Fund.

24 \$10,000.00 for Tort Claim Number 03-893, against the
25 Department of Health and Human Services, pay to Tamica Starks and

1 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
2 600, Lincoln, Nebraska 68508, out of the General Fund.

3 \$20,000.00 for Tort Claim Number 03-918, against the
4 Department of Health and Human Services, pay to Kim Hudson and
5 Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite
6 600, Lincoln, Nebraska 68508, out of the General Fund.

7 \$225,000 for Tort Claim Numbers 04-801 and 04-802,
8 against the Department of Roads, pay to Theodore Neubert and
9 Hauptman, O'Brien, Wolf and Lathrop, Attorney, 1005 South 107th
10 Avenue, Suite 200, Omaha, Nebraska 68114-4707, out of the State
11 Insurance Fund.

12 \$75,000.00 for Tort Claim Numbers 00-577 and 99-686,
13 against the Department of Health and Human Services, pay to Steven
14 Renteria, Attorney, and the conservator for Keith Dwayne Nolen,
15 Jr., Faith Almeda Nolen, Nathan James Lee Nolen, Charles Angus
16 Burris, Richard Travis Burris, Zachary Michael Nolen, Ryan Allan
17 Nolen, and Emma Louise Burris, 1905 Harney Street, Omaha, Nebraska
18 68102, out of the General Fund.

19 The claims included in this section shall be paid through
20 programs 591 and 594 in Agency 65.

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

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
24 <u>GENERAL FUND</u>	<u>390,600.57</u>
25 <u>CASH FUND</u>	<u>9,900,000.00</u>

1	<u>REVOLVING FUND</u>	<u>225,000.00</u>
2	<u>TOTAL</u>	<u>10,515,600.57</u>

3 Sec. 3. The Director of Administrative Services is hereby
4 authorized and directed to draw his or her warrants upon the
5 funds in the state treasury enumerated in this act, in favor of
6 the several beneficiaries named in this act for the amount set
7 opposite their respective names upon the presentation of proper
8 vouchers therefor. The several amounts appropriated in this act
9 shall be in full payment of any and all claims, rights, causes
10 of action, damages, and demands of every character and kind owing
11 by or against the State of Nebraska, its officers, agents, and
12 employees, and their successors and assigns with respect to each
13 of the beneficiaries respectively in whose favor the appropriations
14 are made. The director shall not deliver any warrant for any
15 items appropriated in this act until a receipt and release in
16 full, releasing the State of Nebraska, its officers, employees, and
17 agents, and their successors and assigns, has been filed by each of
18 the beneficiaries respectively. Upon presentation of the warrants,
19 the State Treasurer is hereby directed to pay the same out of money
20 in the General Fund or out of money in other funds indicated in
21 this act not otherwise appropriated.

22 Sec. 4. The following requests were filed by state
23 agencies seeking permission to write off certain accounts. The
24 State Claims Board reviewed and approved the following requests:

25 \$1,352.50 for Request Number 2007-01177, made by the
1 State Surveyor.

2 \$130.01 for Request Number 2007-01364, made by the
3 Nebraska Supreme Court.

4 \$25.00 for Request Number 2007-01728, made by the
5 Department of Health and Human Services for the Hastings Regional
6 Center.

7 \$95.18 for Request Number 2008-02081, made by the Clerk
8 of the Legislature.

9 \$3,516.04 for Request Number 2008-02148, made by the
10 Military Department.

11 \$385,746.64 for Request Number 2008-02206, made by the
12 Department of Health and Human Services.

13 \$122.11 for Request Number 2008-02286, made by the
14 Department of Roads.

15 \$2,564.74 for Request Number 2008-02287, made by the
16 Department of Roads.

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