

LEGISLATIVE BILL 849

Approved by the Governor May 14, 2001

Introduced by Business and Labor Committee: Connealy, 16, Chairperson;
Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1

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 certain write-offs as prescribed; 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.

2000-2001 MISCELLANEOUS CLAIMS

DESCRIPTION	DOLLARS
Claim No. 99-232, against the Department of Revenue, pay to <u>Village of Whitney</u> , c/o Frances Connell, P.O. Box 121, Whitney, NE 69367, out of the General Fund.	175.71
Claim No. 00-339, against the Office of the Attorney General, pay to <u>Kurt McBride</u> , 700 N. Washington, Lexington, NE 68850, out of the General Fund.	1,000.00
Claim No. 00-431, against the Office of the Attorney General, pay to <u>Keith County Attorney</u> , c/o Deborah Gilg, P.O. Box 29, Ogallala, NE 69153, out of the General Fund.	3,500.00
Claim No. 00-437, against the Office of the Attorney General, pay to <u>John Freudenberg</u> , Box 490, Rushville, NE 69360, out of the General Fund.	1,095.00
Claim No. 00-439, against the Department of Health and Human Services, pay to <u>Teva Pharmaceuticals USA, Inc.</u> , c/o Maryellen Malack, P.O. Box 1090, North Wales, PA 19454, out of the General Fund	5,599.53
out of the Department of Health and Human Services Cash Fund.	8,821.09
Claim No. 00-440, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	1,500.00
Claim No. 00-475, against the Office of the Attorney General, pay to <u>Donna Daiss</u> , P.O. Box 71, Hastings, NE 68902, out of the General Fund.	221.40
Claim No. 00-628, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	500.00
Claim No. 00-664, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	500.00
Claim No. 00-674, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	500.00
Claim No. 00-675, against the Military Department, pay to <u>Roger Davis</u> , c/o James Place, 2813 S. 87th Ave., Omaha, NE 68124, out of the General Fund.	19,387.08
Claim No. 00-683, against the Office of the Attorney General, pay to <u>David Wondra</u> , P.O. Box 110,	

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Minden, NE 68959, out of the General Fund.	174.00
Claim No. 01-007, against the Office of the Attorney General, pay to <u>Donna Daiss</u> , P.O. Box 71, Hastings, NE 68902, out of the General Fund.	806.40
Claim No. 01-019, against the Office of the Attorney General, pay to <u>David Wondra</u> , P.O. Box 110, Minden, NE 68959, out of the General Fund.	195.00
Claim No. 01-020, against the Office of the Attorney General, pay to <u>David Wondra</u> , P.O. Box 110, Minden, NE 68959, out of the General Fund.	42.00
Claim No. 01-021, against the Office of the Attorney General, pay to <u>David Wondra</u> , P.O. Box 110, Minden, NE 68959, out of the General Fund.	282.00
Claim No. 01-055, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	500.00
Claim No. 01-138, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	3,500.00
Claim No. 01-179, against the Office of the Attorney General, pay to <u>Elizabeth Waterman</u> , 700 N. Washington, Lexington, NE 68850, out of the General Fund.	500.00
Claim No. 01-193, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	1,000.00
Claim No. 01-213, against the Office of the Attorney General, pay to <u>Jeffrey Goltz</u> , P.O. Box 569, Falls City, NE 68355, out of the General Fund.	469.00
Claim No. 01-219, against the Office of the Attorney General, pay to <u>Smith, King & Freudenberg</u> , c/o John R. Freudenberg, Box 490, Rushville, NE 69360, out of the General Fund.	682.50
Claim No. 01-220, against the Office of the Attorney General, pay to <u>Smith, King & Freudenberg</u> , c/o John R. Freudenberg, Box 490, Rushville, NE 69360, out of the General Fund.	299.70
Claim No. 01-221, against the Office of the Attorney General, pay to <u>Smith, King & Freudenberg</u> , c/o John R. Freudenberg, Box 490, Rushville, NE 69360, out of the General Fund.	735.00
Claim No. 01-255, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	500.00
Claim No. 01-283, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	500.00
Claim No. 01-284, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101, out of the General Fund.	500.00
Claim No. 01-285, against the Office of the Attorney General, pay to <u>Lincoln County Attorney</u> , c/o Jeff Meyer, 301 N. Jeffers, Suite 101A, North Platte, NE 69101,	

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out of the General Fund. 500.00
 Claim No. 01-286, against the Office of the Attorney General,
 pay to Lincoln County Attorney, c/o Jeff Meyer, 301 N. Jeffers,
 Suite 101A, North Platte,
 NE 69101,
 out of the General Fund. 500.00
 Claim No. 01-310, against the Office of the Attorney General,
 pay to Smith, King & Freudenberg, c/o John R. Freudenberg, Box
 490, Rushville, NE 69360,
 out of the General Fund. 187.50
 Claim No. 01-340, against the Secretary of State, pay to
Nebraska Press Advertising Service, c/o Allen Beermann, 845 S
 Street, Lincoln, NE 68508,
 out of the General Fund. 214,985.21
 Claim No. 01-364, against the Department of Health and Human
 Services, pay to Nebraska Urban Indian Health Coalition, Inc.,
 c/o Joan Marr,
 1935 Q Street, Lincoln, NE 68503,
 out of the the General Fund 43,623.28
 Claim No. 01-487, against the Office of the Attorney General,
 pay to Smith, King & Freudenberg, c/o John R. Freudenberg, Box
 490, Rushville, NE 69360,
 out of the General Fund. 907.20
 Claim No. 01-517, against the Office of the Attorney General,
 pay to Smith, King & Freudenberg, c/o John R. Freudenberg, Box
 490, Rushville, NE 69360,
 out of the General Fund. 559.00

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:

GENERAL FUND	305,926.51
CASH FUNDS	8,821.09
TOTAL	314,747.60

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 Attorney General in the district court or in which court judgments have been entered and which require the approval of the Legislature for payment.

DESCRIPTION	DOLLARS
Tort Claim No. 97-062, against the Department of Roads, pay to <u>Harris, Feldman Law Offices</u> , 10050 Regency Circle, Suite 101, Omaha, NE 68114, out of the Roads Operations Cash Fund.	56,386.49
Tort Claim No. 98-222, against the Department of Health and Human Services, pay to <u>Sandra W. and Shirley Mora James, Attorney</u> , 215 Centennial Mall South, Lincoln, NE 68508, out of the General Fund.	30,000.00
Tort Claim No. 98-486, against the Nebraska State Patrol, pay to <u>Laura Schanck and James Welsh, Attorney</u> , 1620 Dodge Street, Omaha, NE 68102, out of the General Fund.	80,075.25
Tort Claim No. 98-487, against the Nebraska State Patrol, pay to <u>Brett Schanck and James Welsh, Attorney</u> , 1620 Dodge Street, Omaha, NE 68102, out of the General Fund.	213,537.35
Tort Claim No. 98-490, against the Department of Health and Human Services, pay to <u>Donna Van Dyck and Joseph Muller, Attorney</u> , 1000 N. 72nd Street, Omaha, NE 68114, out of the General Fund.	41,151.77
Tort Claim No. 99-469, against the Department of Health and Human Services, pay to <u>Shannon S. and Bruce Mason, Attorney</u> , 1505 South 108th Street, Omaha, NE 68144, out of the General Fund.	24,000.00

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:

GENERAL FUND	388,764.37
CASH FUNDS	56,386.49

TOTAL 445,150.86

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 indemnification claims 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.

DESCRIPTION DOLLARS

Indemnification Claim No. 420(97), against the Office of the Attorney General, pay to Leroy Carhart and Alan Stoler, Attorney, 1823 Harney Street, Suite 1004, Omaha, NE 68102, out of the General Fund. 159,211.70

Indemnification Claim No. 524(00), against the Department of Health and Human Services, pay to Dr. Louis Martin and Carole McMahon-Boies, Attorney, P.O. Box 6476, Lincoln, NE 68506, out of the General Fund. 42,326.30

The claims included in this section shall be paid through Program 592 in Agency 65.

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

GENERAL FUND 201,538.00
TOTAL 201,538.00

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 workers' compensation lump-sum settlements which have been approved by the Nebraska Workers' Compensation Court and which require the approval of the Legislature for payment.

DESCRIPTION DOLLARS

Workers' Compensation Lump-Sum Settlement approved by the Nebraska Workers' Compensation Court, pay to Tom Retchless and Rod Rehm, Attorney, 3701 Union Drive, Suite 200, Lincoln, NE 68516, out of the Workers' Compensation Claims Revolving Fund 77,877.60

The claim in this section shall be paid through Program 593 in Agency 65.

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

REVOLVING FUNDS 77,877.60
TOTAL 77,877.60

Sec. 5. The Director of Administrative Services is hereby authorized and directed to draw his or her warrants on or before June 30, 2002, 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:

DESCRIPTION DOLLARS

Request No. 00-378, made by the Department of Health and Human Services 988.00

Request No. 00-477, made by the Department of Aeronautics 25.22

Request No. 00-528, made by the Department of Administrative Services-Communications 440.00

Request No. 00-652, made by the State Fire Marshal 1,005.00

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Request No. 00-662, made by the Clerk of the Legislature	89.14
Request No. 01-056, made by the State Department of Education	45,407.64
Request No. 01-169, made by the Supreme Court	252.21
Request No. 01-181, made by the Military Department	10,417.07
Request No. 01-190, made by the Department of Health and Human Services Finance and Support	403,265.52
Request No. 01-194, made by the Game and Parks Commission	69,043.24
Request No. 01-195, made by the Game and Parks Commission	14,514.87
Request No. 01-251, made by the Department of Health and Human Services, Grand Island Veterans' Home	22,885.25
Request No. 01-252, made by the Department of Health and Human Services, Vital Statistics	728.00

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