

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 585**

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 tort claims which have  
5 been settled by the State Claims Board and approved by the district  
6 court, which have been settled by the Attorney General in the  
7 district court, or in which court judgments have been entered and  
8 which require the approval of the Legislature for payment.

9           \$190,000.00 for Tort Claim Number 2008-02654, against the  
10 Department of Health and Human Services, pay to Michael Ellsworth,  
11 9710 Kensington Circle, Bellevue, NE 68123, Trustee for the Debra Lee  
12 Bauer Trust dated January 8, 2011, out of the General Fund.

13           \$99,666.37 for Tort Claim Number 2009-03422 against the  
14 Department of Roads, pay to Rachel Tipton, 209 East Eldora Avenue,  
15 Apt. #2, Weeping Water, NE 68463, out of the Roads Operations Cash  
16 Fund.

17           \$475,000.00 for Tort Claim Number 2010-04095 against the  
18 State of Nebraska, pay to Joseph White, P.O. Box 225, Holy Pond, AL  
19 35083, out of the General Fund.

20           \$325,000.00 for Tort Claim Number 2010-04096, against the  
21 State of Nebraska, pay to Kathleen Gonzalez, 623 Grant Avenue, Apt.  
22 #7, York, NE 68467, out of the General Fund.

23           The claims included in this section shall be paid through  
24 Program 591 in Agency 65.

25           For informational purposes only, the appropriations

1 contained in this section and fund source:

<u>FUND SOURCE</u>	<u>DOLLAR AMOUNT</u>
3 <u>GENERAL FUND</u>	<u>\$990,000.00</u>
4 <u>CASH FUND</u>	<u>\$99,666.37</u>
5 <u>REVOLVING FUND</u>	<u>\$-0-</u>
6 <u>TOTAL</u>	<u>\$1,089,666.37</u>

7           Sec. 2. The following sums of money, or so much thereof  
 8 as may be required, are hereby appropriated from the General Fund or  
 9 from other funds as indicated in the state treasury, not otherwise  
 10 appropriated, for the payment of tort claims which have been settled  
 11 by the State Claims Board and approved by the district court, which  
 12 have been settled by the Attorney General in the district court, or  
 13 in which court judgments have been entered and which require the  
 14 approval of the Legislature for payment.

15           \$300,000 for Tort Claim Number 2008-02942, against the  
 16 Department of Health and Human Services, pay to Ramona G.  
 17 Swearingian, 152 N 32nd Street, Apt. #16, Lincoln, NE 68503, out of  
 18 the State Insurance Fund.

19           \$35,000 for Tort Claim Number 2010-04887, against the  
 20 Department of Health and Human Services, pay to Christian Kingery,  
 21 2621 South 79th Street, Lincoln, NE 68506, out of the State Insurance  
 22 Fund.

23           \$300,000 for Tort Claim Number 2011-10823, against the  
 24 Board of Trustees of the Nebraska State Colleges, pay to Maxwell

1 Baker, 6596 Point Pleasant Road, Elk Grove, CA 95757, and Jones &  
 2 Baker Qualified Settlement Fund, 100 Spear Street, Suite 1430, San  
 3 Francisco, CA 94105, out of the State Insurance Fund.

4 \$300,000 for Tort Claim Number 2011-10824, against the  
 5 Board of Trustees of the Nebraska State Colleges, pay to William  
 6 Jones, 6052 Highway 20, Chadron, NE 69337, and Jones & Baker  
 7 Qualified Settlement Fund, 100 Spear Street, Suite 1430, San  
 8 Francisco, CA 94105, out of the State Insurance Fund.

9 The claims included in this section shall be paid through  
 10 Program 594 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>
14 <u>GENERAL FUND</u>	<u>\$-0-</u>
15 <u>CASH FUND</u>	<u>\$-0-</u>
16 <u>REVOLVING FUND</u>	<u>\$935,000.00</u>
17 <u>TOTAL</u>	<u>\$935,000.00</u>

18 Sec. 3. 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 workers' compensation claims which  
 22 have been settled by the Attorney General in the Nebraska Workers'  
 23 Compensation Court or in which court judgments have been entered and  
 24 which require the approval of the Legislature for payment.

1                   \$157,286.77 for a Workers' Compensation Claim, pay to  
 2 Phillip R. Licking and Tony Brock, attorney, 5625 O Street, Lincoln,  
 3 NE 68510, out of the Workers' Compensation Claims Revolving Fund.

4                   \$175,000.00 for a Workers' Compensation Claim, pay to  
 5 Patrick Teitge, 1369 Penora Avenue, Woodbine, IA 51579, out of the  
 6 Workers' Compensation Claims Revolving Fund.

7                   \$50,000.00 for a Workers' Compensation Claim, pay to  
 8 Patricia Whitt and David Uher, attorney, P.O. Box 851, Norfolk, NE  
 9 68701, out of the Workers' Compensation Claims Revolving Fund.

10                   The claims included in this section shall be paid through  
 11 Program 593 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>\$-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>

19                   Sec. 4. The Director of Administrative Services is hereby  
 20 authorized and directed to draw his or her warrants upon the funds in  
 21 the state treasury enumerated in this act, in favor of the several  
 22 beneficiaries named in this act for the amount set opposite their  
 23 respective names upon the presentation of proper vouchers therefor.  
 24 The several amounts appropriated in this act shall be in full payment

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

13           Sec. 5. The following requests were filed by state  
14 agencies seeking permission to write off certain accounts. The State  
15 Claims Board reviewed and approved the following requests:

16                   \$115.36 for Request Number 2010-04378, made by the  
17 Supreme Court.

18                   \$680,325.58 for Request Number 2011-10086, made by the  
19 Department of Health and Human Services.

20                   \$750.00 for Request Number 2011-10559, made by the State  
21 Fire Marshal.

22                   \$1,597.00 for Request Number 2011-10655, made by the  
23 Nebraska Workers' Compensation Court.

24                   \$175,035.79 for Request Number 2011-10656, made by the  
25 Department of Roads.

1                   \$41,380.14 for Request Number 2011-10661, made by the  
2 State Energy Office.

3                   \$1,872.00 for Request Number 2011-10662, made by the  
4 Department of Insurance.

5                   \$1,608.00 for Request Number 2011-10664, made by the  
6 Department of Insurance.

7                   \$33,755.00 for Request Number 2011-10665, made by the  
8 Department of Insurance.

9                   \$3,104.00 for Request Number 2011-10666, made by the  
10 Department of Insurance.

11                   \$44.00 for Request Number 2011-10667, made by the  
12 Department of Insurance.

13                   \$74,461.26 for Request Number 2011-10707, made by the  
14 Game and Parks Commission.

15                   \$4,171.00 for Request Number 2011-10708, made by the  
16 Military Department.

17                   \$179.89 for Request Number 2011-10825, made by the  
18 Supreme Court.

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