

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB1020

Hearing Date: February 25, 2008

Committee On: Business and Labor

Introducer(s): (Business and Labor Committee)

Title: Disapprove certain claims against the state

Roll Call Vote - Final Committee Action:

Indefinitely Postponed

Vote Results:

5 Yes	Senators Cornett, Lathrop, McGill, Wallman, White
0 No	
2 Absent	Senators Chambers, Rogert
0 Present, not voting	

Proponents:

Laura Peterson

Representing:

Department of Administrative Services

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or change:

Any claim that is denied by the State Claims Board can be appealed to the Legislature for review. LB 1020 represents those denied claims where the claimant seeks review.

Claim Number 2006-00946 was filed by the Douglas County Youth Center in the amount of \$510.00 against the Department of Health and Human Services. The DCYC held a state ward in detention from 12/21/2004 to 12/24/2004, and submitted an invoice which was never paid. Upon further review the agency determined that the amount of \$510.00 was due and owing. At the time of the claims board hearing the agency's recommendation was to deny the claim, because the invoice was within the appropriate timeframe and therefore HHSS was processing the payment directly through the agency.

Claim Number 2007-01673 was filed by Allan J. Eureka, P.C. in the amount of \$5,647.51 against the Department of Roads. Claimant alleges that liens for attorney fees in a condemnation and relocation matter were not honored by NDOR. The amount is comprised of two separate liens. The agency recommended the first claim be denied for several reasons, which include 1) the claim should have been a tort claim rather than a miscellaneous claim, and 2) it's the duty of the county court to consider or honor the lien, once NDOR has fulfilled their obligation to the condemnee by depositing the award of damages with the court.

The second lien was filed on NDOR in an attempt at enforcement against a separate source of funds from the condemnation award. The claimant's client was awarded \$20,000 for relocation expenses under the Nebraska Relocation Assistance Act. §72-1240 of the Act authorizes state agencies to promulgate regulations to carry out the purposes of the law. One of the regulations provides that an agency shall not withhold any part of a relocation payment to satisfy an obligation to any other creditor. This Nebraska regulation is identical to the corresponding federal regulation involving federal funds for relocation. In this particular instance, a large portion of the relocation award consisted of federal funds.

Explanation of amendments, if any:

Senator Abbie Cornett, Chairperson