

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

April 28, 1999      LB 882

appropriations bill to pay these claims. The other tort claim is a settlement for a young man who was injured in an elevator accident in Beatrice. He allegedly died from the injuries. The claim is against the Department of Labor, and it alleges that the elevator was not properly inspected and defects were not corrected while the elevator continued to operate. The claim was filed in the amount of \$15 million, the settlement in this amendment is for a total of \$798,242.16. All but 100,000 of this amount is to be paid out of the General Fund, and \$100,000 will come out of the Elevator Inspection Fund. The...I just want to add also that the amount that's in this bill...the interest is running in the amount of \$117 a day while this is being decided what we're going to do. These were all brought before the court. They were...the settlements were agreed to. They were brought to our committee. We didn't come to reach an agreement, and so we brought them out on the floor for your consideration. I...I guess I would have to tell you that it would be my summation that if we don't settle these in this manner, they will go to court, we'll not only incur court costs, but we could possibly...there's a possibility it could even cost the state more. That's something that would be determined, obviously, by a trial. And with that I will give the rest of my time to Senator Kristensen, and he will expound further on the issue.

**PRESIDENT MAURSTAD:** Senator Kristensen.

**SPEAKER KRISTENSEN:** Thank you, Mr. President, members of the Legislature. Thank you, Senator Vrtiska. All four of these are in a procedural...in the same category. These are claims that have been settled by the Attorney General. The Attorney General has the statutory authority to settle claims. They have been approved by the district court and judgments are entered. The claims, because they're above \$50,000, must come to the Legislature, but these are matters which have, in fact, been litigated and conclusions have been reached, and they have been approved by the district court. And it's our obligation to do these. The one is perhaps the most serious one in terms of the amounts of money, not to mitigate that the other ones are not serious, because they certainly are, but you're talking almost \$800,000, in fact, with interest running would be in excess of that at this point in time. This deals with the liability of