

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

April 1, 2004 LB 1090

Senator Bromm, on the Chambers amendment to the Brashear amendment to LB 1090. Senator Bromm.

SPEAKER BROMM: Thank you, Mr. President, and I'm, at this point I'm not going to belabor this very much longer. But I just simply...I disagree very strongly with the interpretation of Senator Brashear with respect to the statute that he referred to. He would suggest that we have a federal rate right now of 1 point-something percent, and then the appeals are all done and it's certified by the district court here to our DAS and they can't pay it; the 10 percent, if I understand his argument, relates back to the original judgment date of a year or a year and a half ago. That just doesn't square with what we've been told in briefings. If any of you have been to briefings by the Attorney General's office, they've not said that. At least I've not heard that. I've not heard anyone interpret that. Now there is a question if that 10 percent kicks in exactly when it kicks in, and I'll grant you that. But it obviously seems to kick in for sure at the time of the certification by the district court to the DAS of the final judgment. That's what it seems to me to say. Now anybody that has a lawsuit in process against us, they are suing us with the idea and expectation that they're going to get 10 percent after the judgment is final and it's certified to the DAS, is certainly gotten expectation that is well beyond what is reasonable in terms of what most lawsuits and litigants' expectations would be, and they would expect to get interest certainly as the law allows. But this business of relating the 10 percent way back to the original judgment date, that would be a real blow. And if that's the case, we darn well better be...we better have settled yesterday. I've not heard that argument before, and I don't think it's reasonable. Now this statute isn't special legislation under the constitution. This would apply to any judgment that came against the state that we couldn't pay, whether it's now or in the future or five years from now, any litigation resulting in a judgment against the state we can't pay. It doesn't single out federal court judgments, it doesn't single out low-level compact judgments. That's not my interpretation of special legislation, and I don't think it is here either. If...my goodness, I remember some of the things we've done to send boatloads of money to southeast Nebraska for Senator Vrtiska, and that has not been special