

12. That is the way I think it should be done. That would be 100 percent in accordance with what was agreed to in the district court and what I perceive to have been agreed to on the floor. I would obviously prefer to pay it out of a lottery, but believe it or not, there is not one word of that in the bill or in the amendment. I suggest you adopt the amendment. I personally ask for a division of the question so we are voting on the portion dealing with the 8.5 million first. I intend to support 8.5. At this point in time, absent anything else, I question whether the 12 can be supported, but I think 8.5 is a settlement, not an admission of any legal liability, it is a settlement and I intend to support 8.5 as I have said from the very beginning. For reference of the committee members the amendment is printed on page 2202 of the Journal, has been there for some length of time. I would ask you to read it and as I say, I would ask for a division of the question. Mr. Rex, I assume you'll cooperate with them in separating out the specific paragraph. I'd try to answer any questions. I repeat, it strikes the original language that recites the state is liable, simply goes with the language of the court and the language of any proper settlement where we are not admitting any liability because there is none in the opinion of the committee and others, but reaches a settlement, the same as you would in a car accident or anything else. Urge you to adopt the amendment. Ask for a division.

SPEAKER NICHOL: Senator DeCamp, I assume you want to split the question, the first part being the tort claim of \$8.5 million, right?

SENATOR DECAMP: Yes, sir, and the bill is prepared in such a way that the two claims are completely sorted out. They're identified by number and everything.

SPEAKER NICHOL: And the second one is Section 3, the contract for \$12 million, right?

SENATOR DECAMP: That is correct, sir, so the first thing we would vote on would be whether \$8.5 million should replace the existing bill. The second one is whether the \$12 million should be added to it.

SPEAKER NICHOL: All right, we'll be concentrating on the first portion of the amendment then. That is the tort claim