

settlement was a whim or a hope. I think that hope went out for substantial sums, outside the tax system...went out the window a while ago.

SPEAKER NICHOL: Time.

SENATOR DECAMP: I support 8.5 and I'd ask you to support the amendment and if it needs correction we can sure do that.

SPEAKER NICHOL: I still have nine lights on. Senator Marsh, then Senator Beutler.

SENATOR MARSH: Thank you, Mr. Speaker. We don't have time to correct it. That's exactly the point. I do not support the amendment before us. I hope the body will not support the amendment before us. We don't have time for correction. I do support LB 713. Please don't put this amendment on it.

SPEAKER NICHOL: Senator Beutler, please.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I just wanted to quickly once again encourage you, if this is what you want to do, to deal with it in the Johnson amendment rather than the DeCamp amendment, again, because of the tax rate increase that would probably occur. But in addition to that I wanted to point out to you that whereas Senator Johnson and Senator DeCamp don't like some of the language in 713 and what it says about state liability, this language seems to go completely overboard and make statements that are grossly inaccurate in the other direction. For example, it says that the Legislature determines that the tort claim does not have a valid legal basis and is not meritorious, but notwithstanding such determination we're going to pay it. Well I think that the evidence is that the tort claim does have a basis in fact and that's why the district court said that an \$8.5 million settlement was an appropriate settlement. So I think the language in here is not accurate and I think that the language in the Johnson amendment is more accurate and more balanced and for that reason also, would encourage you not to vote for the DeCamp amendment.

SPEAKER NICHOL: Senator Haberman, please.

SENATOR HABERMAN: (No response.)