

SENATOR MARESH: I think if we haven't made the \$1,400 payments the last two years probably we owe her that much but the \$38,000 I don't think we owe her that much. I don't think we...the contract should have been changed like it was. It should have remained at the specified amount such as Senator Landis said in the will it was made at \$1,440 dollars or something like that and the state should have abided by the contract made at that time.

SENATOR COPE: Would it be legitimate if the School and Lands were to pay it?

SENATOR MARESH: Well, like Senator Kahle said, the Constitution doesn't allow them to make these payments.

SENATOR KAHLE: I know that but I am just trying to get a feeling of how ...

SENATOR MARESH: I think they should have made the \$1,440 payment for the last two years and I think they still could because they owe that money now.

SENATOR COPE: Thank you.

PRESIDENT: Senator DeCamp.

SENATOR DE CAMP: Just point out on the subject something that has not been brought up. If we wanted to really be completely legal, completely proper, completely fair, the state would go back and try to recover what I guess would be probably tens of thousands of excess money that was given. Those are the simple facts. Now what I am suggesting and I think what the committee suggested when they rejected the claim was, okay, this matter is settled. Let's not worry about the past. There were a lot of mistakes but let's not commit the state to \$38,000 immediately plus something that hasn't been brought up, another \$20,000 or \$19,000 every year from here on. So from a fairness, from an equity, from a legal, purely legal standpoint, I can find no way personally to sanction the claim.

SPEAKER MARVEL: Senator Koch, do you wish to close on your amendment? Senator Marsh, for what purpose do you arise? Okay, I didn't see your light.

SENATOR MARSH: Mr. Speaker and members of the Legislature, perhaps from a legal standpoint the state is off the hook. Have you considered the moral, the obligation that should be assumed when someone gives land to the state?