

that this would be an area where reasonable people could differ and, in fact, we said there was probably a ten to twenty percent chance, a ten to twenty percent chance that a court of competent jurisdiction could find the State of Nebraska legally liable. And so we evaluated that ten to twenty percent chance at a figure from 3.5 million to 9.5 million dollars. In other words, we said if the Nebraska Legislature and the State of Nebraska decided it wanted to settle the legal liability in this case, it should consider settling for a sum between 3.5 million and 9.5 million dollars. Now that particular report was approved by a majority of the Commonwealth Committee. Now Governor Kerrey has come to this Legislature saying I want in the worst of ways to resolve the Commonwealth crisis. Incidentally, I am of the opinion that every member of the Commonwealth Committee wants in the worst of ways to resolve the Commonwealth crisis.

PRESIDENT: One minute.

SENATOR V. JOHNSON: And I am of the opinion that this Legislature would like to bring it to an end but the Governor says I do not believe in good faith I can settle this matter for a sum between 3.5 million and 9.5 million dollars because I still have to get concurrence of 80 percent of the depositors to effect a settlement. So I am going to propose a settlement of \$20.5 million. Now that figure is higher than I would use, that is higher than I would use as a lawyer. I wouldn't tell a client to use that figure. On the other hand, I understand the value, the value of settling this case. I also understand the need of getting the depositors support for the figure. So it is my opinion that the figure should be used because the Governor is carrying the ball for the State of Nebraska in attempting to effect a settlement of a very difficult question. Finally, the resolution says that the whole matter shall be presented to a court of competent jurisdiction for its approval or rejection which means that even if we have approved \$20.5 million and even if the depositors have approved \$20.5 million, the court that considers the matter says that figure is too high and they cut it back. So all branches of government are involved. Given the difficulty of this case, the emotions involved, the differences of opinion on legal liability, the disputes at hand, the need to resolve it, I can commend to you favorable adoption of the resolution.