

have read it, I'm sure, are aware that the 10 to 20 percent claim really had reference, in effect, to the tort claim concept of, was there a liability on the part of the state? As I understand the report, that is all it really addresses. The report says the contract claim did not have merit, rejected that. But in addition to that, there was a minority report which was based upon the concept of a moral obligation, which again almost every person, no matter which side they were on the resolution, has made reference to. So if you want to accept the Commonwealth report of the Special Committee, then the amount of the \$10 million, for the settlement of the tort claim, is a figure you can set on. In addition is the issue, it seems to me, of the moral obligation. Under that theory then the additional amount, to bring it up to \$20.5 million, is a very reasonable and appropriate route to go. I would urge if you are willing to support that figure that you do not support the reduced figure, but retain the resolution as it is. If I may, I'd yield the balance of the time I have to Senator Beutler.

SPEAKER NICHOL: Senator Beutler, your mike was not on. Would you repeat that?

SENATOR BEUTLER: I'll wait my turn, Mr. Speaker.

SPEAKER NICHOL: Okay. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, it has been touched upon, as Senator Warner has said, by almost everyone here today, legally I don't think anyone doubts the fact that this Legislature can walk away from any payment to Commonwealth depositors. That is not the issue here. I said many times during the session in 1984, and during the Special Session of 1984, that whatever we do we ought to do and do it now. The longer the issue remains in doubt, the more serious it becomes to the Commonwealth depositor, the more serious it becomes to the State of Nebraska. I've been criticized a few times on this floor for someone who says...because I said once it might be better to do something, even if it proves to be wrong, than to continue to vacillate. It's happened here many times. I could chide my Lincoln friends a bit. I think they might find that happened yesterday. But that will have to be a decision made by time. But the point that has been made here this morning as to the moral obligation is one which brings to mind a story we've all heard many times about what