

City of Lincoln by selling a state asset to the City of Lincoln for less than its fair market value. We don't know. We have no appraisal. Even if the state gets the building back after, and assuming the bonds have been paid, since the state lost the use of a fair market value of a building to the extent that the building might very well be worth more than \$20.5 million. I, therefore, urge the body to support the DeCamp amendment. Thank you, Mr. President.

PRESIDENT: Senator Beutler and then Senator Haberman.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, it seems to me that there is an incredible misconception of the process going on here. Hey, we are the judges. We are the judges on the miscellaneous claim. Everybody keeps talking about what other lawyers have said and what the court has said and what judges have said. You know, under the process that has been set up heretofore, none of that is important because under the miscellaneous claims process these 49 people in this Legislature are the judges. Now you may recall with regard to the tort claim process that it first goes to the State Claims Board and then it has to be approved by the district court and then it comes over here. That's the way the \$8.5 million came to us, but the \$12 million comes to us by way of the miscellaneous claims process. It goes to the State Claims Board first and what did the State Claims Board say? They said that the contract claim, that the miscellaneous claim was a valid claim and then it came over here to the Legislature and it is the Legislature's prerogative, it's the Legislature's duty, it's the Legislature's job to examine the question of liability and for each and every one of us to come to a conclusion. No court has said anything about the validity or the lack of validity of the miscellaneous claim. All court actions to date have been on the tort claim. The only official word on the miscellaneous claim has been approval of that claim by the lawyers who sit on the State Claims Board and by the lawyers who work with the State Claims Board. So it seems to me that up until this point in time we've all been baying the question. Senator DeCamp suggests that the miscellaneous claim is invalid without even telling you why. Let me tell you why I think the miscellaneous claim is valid, and I will tell you eventually why even if it is a weak case based upon a moral obligation I think the state has the right and the obligation to make that \$12 million payment, but first of all on the miscellaneous claim. The