

proponents of settling with the Commonwealth depositors have not essentially changed their plan from January and it has been changed only to the extent that the Constitution has dictated that it be changed, to the extent that the proponents were not able to foresee entirely all of the hang-ups that might evolve around the issuance of the bonds, certain provisions with regard to the use of the cigarette tax instead of the bonds were in fact changed. And if that to you is enough to make the difference of voting one way or the other on it you would be perfectly right to change your vote. But what I wanted to make clear is that the resolution in January talked about \$20.5 million. It didn't talk about \$8.5 million and I think you need to remember that that in terms of the dollar amount that we represented to you in January we are representing to you the same dollar amount and Senator DeCamp well knows because he well understood it in January that the district court could not approve that entire settlement because it involved a miscellaneous claim as well as a court claim and the district court doesn't any have jurisdiction over a miscellaneous claim. So although it is not stated in the resolution, anyone who was listening to the debate in January would know that the district court was to approve the tort claim part, but we have responded to you in terms of the argument, well, some court has got to approve everything. We have responded to you by specifically putting into the bill that before the miscellaneous claim is paid we will ask the Supreme Court of the State of Nebraska to approve of it, to approve of the constitutionality of the act and of the claim. Now that is something that is not required in the statutes. By statute we could just decide it here in the Legislature and it could be paid, but because in January we represented to you that some court was going to be approving this whole thing, then what we have built into this bill is that with regard to the miscellaneous claim, after we pass it in the Legislature before anything can be paid out, the Supreme Court, not a district court, but a better court, a higher court, the highest court in the state is going to have to approve the miscellaneous claim portion of the bill. Now another thing that was a little bit troublesome is that Senator DeCamp represented to you that what he wanted to do was separate the two claims so that one was decided here in this bill and, I don't know, some other bill was going to come up to decide the miscellaneous claims or whatever. I don't know how we would do that technically or procedurally, but the point I wanted