

liability. Even though you're making a \$20.5 million payment you should not be saying to the public and the world, we made a mistake, we're wrong, we want to pay from now on because that's what can happen. When you admit liability, then you open yourself up to continued lawsuits forever. Now if we're going to make a \$20.5 million payment, then you should have it as a release is ordinarily drawn. This will be our release as I understand it. Correct me, Senator Johnson and DeCamp if I'm wrong, but you specifically deny liability when you settle a claim. So I think that should be a carefully worked out program in this bill. Thank you.

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, speaking as a non-Lincoln legislator who has supported every single action of this Legislature and made a number of public statements in support of a settlement of the Commonwealth claim, I rise in support of the Senator Vard Johnson amendment for many of the same reasons given by Senator Johnson, by Senator Nichol. I want to point out that the legislative branch has limited ability on oversight. For the many years I have been here I have requested information from the executive branch time after time. The plain facts are that we get what information they want to give us and that is as it should be. There is a separation of powers and the supervision of these institutions was not the responsibility of the Legislature. It was in fact the responsibility of the executive. It was the responsibility of every single executive, as I recall, from the Commonwealth investigation going clear back to 1960. We were told that none of those executives were ever apprised of the difficulties of Commonwealth. That may be and I'm sure it is. I would find it difficult to believe that some of this information could not have been developed had there been a sincere interest in pursuing some of those responsibilities by the Chief Executive. Be that as it may, there is no reason for this Legislature to cover ourselves with sack cloth and ashes and now accept all kinds of responsibility that we never had, that we could not have determined and that is not our responsibility. As Senator Nichol has pointed out you disclaim liability. Senator DeCamp and I at one time filed a lawsuit against several large chain stores. We received a settlement. They specifically denied any wrongdoing in count after count