

whether we are stuck for \$8.5 million or whether we are stuck for the \$20.5 million, we are stuck for at least the \$20.5 million figure. Why? Because it is fair and it is right and it is the only thing that is acceptable. We have to face up to our responsibilities. We have to undo this wrong to the best of our ability.

PRESIDENT: One minute.

SENATOR HARRIS: Mr. President, I move the advancement of the bill also. Thank you.

PRESIDENT: Senator Barrett.

SENATOR BARRETT: Thank you, Mr. President and members of the body, I take no great pleasure in assuming the position that I have taken on this particular bill as I, too, have compassion as others have indicated in this body previously. I am prepared in my mind as we discussed yesterday to approve, vote in favor of the \$8.5 million as indicated by the Lancaster District County Court to be a fair settlement. This is not a determination of legal liability by any stretch of the imagination. This is a settlement arrived at by the courts and the receiver. With reference to the contract claim itself, I still have problems. In the absence of any liability and in my opinion there is an absence of liability with reference to that miscellaneous claim, I have problems in supporting the bill. As I indicated yesterday on this floor, a majority report of the Special Commonwealth Committee stated and others have so stated from the legal fraternity in this state that insofar as the contract claim and the miscellaneous claim is concerned, liability is estimated at approximately zero, zero. I have another red flag with reference to the contract claim itself, the \$12 million, because with such a finding by this Legislature, there is little to prohibit others from claiming that same benefit that the creditors of the failed institution are claiming. I raise the same question that I believe Senator DeCamp raised with regard to establishment of a precedent and I think it might be a dangerous precedent to pay this particular claim, since the State of Nebraska has a number of institutions in this state similar in nature. I would cite as an example perhaps the NIFA which was established by this Legislature, a quasi governmental organization, and that might be reasonably compared to the NDIGC for purposes of liability if this