

CLERK: Yes, sir.

SPEAKER NICHOL: All right. Do you have anything else left?

CLERK: Yes, sir, I do. Mr. President, Senator DeCamp would move to amend the bill. (DeCamp amendment appears on page 2202 of the Legislative Journal.)

SPEAKER NICHOL: Senator John DeCamp.

SENATOR DECAMP: Mr. President, this is an important amendment. I withdrew it a couple of times to give the Commonwealth people an opportunity to do it their own way. The amendment does these things. Number one, it guts the bill in terms of the language reciting the state is liable or the laws are bad or any of that other nonsense. And it uses precise and formal language like any court uses, and as was used in the settlement to state what is really occurring and what is occurring is as follows and I'll read it to you. "After carefully considering the facts, information and advice provided to it in connection with the insolvency of Commonwealth Savings Company, the Legislature determines that the tort claim does not have a valid legal basis and is not meritorious, but that notwithstanding such determination, it may be in the best interests of the state to effect a complete, final and binding resolution of the matter. Toward that end the Legislature finds that the tort claim should be allowed and paid in the amount of \$8,500,000 as full settlement of any and all claims, demands or causes of action against the State of Nebraska or the Department of Banking and Finance or against its past, present and successor officers, officials, agents or employees, either in their official or individual capacities. The tort claim shall be paid in such manner, and subject to such conditions as may be provided by the Legislature in LB 713A." We don't have a 713A so I assume if we decided to do this we would add another amendment that decides whether it's paid out of the general fund or with that State Office Building or whatever. The balance of the amendment deals with the other claim. It says exactly the same language. There is no legal basis, in other words the \$12 million claim, and then concludes, it shall be paid also. It is my intent to divide the question and have you vote on 8.5 and then on 12 and what I intend to do is probably, if the 8.5 is adopted, I would vote against the other half of the amendment on the