

clearly we have more things to be concerned about with the bill. If you remember there were four reasons given in the original bill for why we should have this tort claim. Two of those were taken out and those are very important because the miscellaneous claim is yet to go before a court and you have to have good reason for passing the bill and the claim and then the court can have that reason to justify it and if you take away the reasoning behind it and the justification for it which is kind of what Senator DeCamp is doing here, you're not going to get it approved and that's essentially where we're at as far as I can tell. So I'm suggesting rather than go this route, let's have some reasons in there, let's go to court and even with that justification that ought to be in the bill, there is still a long shot chance that the court will approve it. Nothing in here in the claims bill either...well as far as the miscellaneous claim go, will ever get paid or anything will happen unless the Supreme Court takes action on it. You're really not a sure thing at all in terms of a 20.5 settlement. The only sure is the \$8.5 million tort claim. That is approved. We're taking the \$12 million to the Supreme Court. We have to have reasons for it and Senator DeCamp would take away those reasons and we're really not going to have any shot at it as a result and I suggest we just oppose this amendment and go with the bill and see what happens.

SPEAKER NICHOL: Senator Haberman, please.

SENATOR HABERMAN: Mr. President, members of the body, it kind of seems to me as though the \$8.5 million or LB 713 regardless of how you look at it is an outright gift. It doesn't stop further claims. We're influencing the courts. So now we're offering an \$8.5 million settlement and people are being a little greedy and saying well we want more than \$8.5 million, we're entitled to more, we want more. But that isn't what the claims court said. It said \$8.5 million. So I guess I don't understand that when somebody is getting a gift of \$8.5 million why they wouldn't take it. If they want to roll the dice and try to get more and then they lose and, Senator Wesely, Senator Beutler, you've rolled the dice and you've lost so maybe you'd better take your \$8.5 million and be thankful because if you start rolling the dice, you build this up, you may end up with nothing. So I would say seriously think what Senator DeCamp is trying to do. All he is saying is what the facts are. So I'd seriously ask you to consider what he is doing