

the session. We have not addressed the budget issues as yet, which we all know will take a great deal of time. But, in addition to those very obvious reasons for my nonsupport of this particular motion, let me call the body's attention to something else which has occurred to me, and that is simply that in addition to this bill being public...or poor public policy, that is to go out and provide for a sale of the Lincoln State Office Building to generate \$12 million for payment of Miscellaneous Claim 312, I think there is a serious technical flaw in LB 1029. As we know, the bill will provide for the payment of a miscellaneous claim in the amount of \$12 million. The claim is identified as Miscellaneous Claim Number 312, that is the Department of Banking, as the receiver for Commonwealth, versus the Department of Banking. However, the important thing for us to remember this morning, I think, is the fact that Miscellaneous Claim Number 312 is not, and I emphasize the word not properly before the Legislature in this particular bill, or any other bill for that matter because this particular claim was not filed prior to the convening of the 1986 session of the Legislature. The original claim, which was 312, was founded on a contract law theory of recovery, and was filed properly by the receiver, recommended for approval by the State Claims Board in 1984. The claim was then presented to the Legislature in proper form, having gone through the committee hearing process, through the Business and Labor Committee, which I was privileged to Chair at that particular time, and came out as LB 713, you remember it very well. LB 713 was ultimately amended. We did pass the bill. It provided only for approval of the payment of \$8.5 million for a tort claim settlement, a tort claim settlement. It was arrived at by the receiver and the Special Assistant Attorney General at that time. The contract claim then was completely removed from LB 713 in its final form. So if we look at the pertinent statutes we are going to see that Section 81-8,236 requires, requires that miscellaneous claims must be filed with the Risk Manager. Then Section 81-8,239 provides that the State Claims Board must investigate each claim and make its recommendation. This section then says, and I quote, "Such claim shall be delivered to the chairperson of the appropriate committee of the next Legislature convening after the filing of the claim," convening after the filing of the claim. So this is the gist of what I am trying to say. In other words, our statutes, our statutes...