

SENATOR HABERMAN: All right, we are talking about Senator Beutler's amendment, right? This is what we are going to vote on, to cease debate on this amendment?

PRESIDENT: That is correct. I'll try it by voice vote. All those in favor of limiting debate say aye. Opposed no. Motion carried. Debate is closed. Senator Beutler. Roll call vote has been requested. Question is, shall the debate cease? All those in favor vote aye, opposed vote no. We are voting on the motion to cease debate on the Beutler amendment to the bill.

CLERK: (Roll call vote taken. See page 54 of the Legislative Journal.) 27 ayes, 11 nays to cease debate, Mr. President.

PRESIDENT: Motion carries, the debate is ceased. Senator Beutler, you may close.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, once again the amendment before you has been passed out to you. Once again, all that it does is reference the release, which was also passed out to you, which you have read now, that is the release that is required by the court settlement agreement, and puts into statute the fact that that release will need to be executed before, effectively, the money can be distributed. As I indicated to you earlier, LB 713 originally required the same thing, LB 1 requires the same thing. I consider this amendment superfluous and unnecessary. But if you are uncomfortable with the whole release situation, then you can vote for this. It certainly, at least so far as I know it is not going to have any detrimental effect upon the whole situation. So that is, basically, the situation. I also wanted to point out to you, which I neglected to point out to you last time, that there is in statute, with regard to tort claims, already some statutory language which would be a third reason why this amendment isn't necessary. It says, basically, that any award made under the Tort Claims Act, and this is one, that the acceptance by the claimant of such award shall be final and conclusive on the claimant and shall constitute a complete release by the claimant of any claim against the state and against the employee of the state whose act or omission gave rise to the claim by reason of the same subject matter. So do with it what you will, whatever makes