

owe it to the Commonwealth depositors.

SPEAKER BAACK: Thank you, Senator Schmit. We will now go to the next speaker, Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body, regrettably, and I say regrettably because I, too, have supported the appropriation to settle the Commonwealth/other savings institutions in the past. I have hundreds of affected people in my district, people that I would hope that there is some legal and constitutional means yet undiscovered to allow them to recover the rest of their deposits. I concur with a number of the statements with regard to the conduct of the receivership that appears to be certainly questionable in the handling of its issues. However, I've seen the hopes of these people raised to great heights and I've seen them dashed on the rocks. I rather suspect that this amendment, if it is adopted in total which would be necessary for the implementation, of the intent would be another of those well-intentioned efforts but doomed to ultimate failure. We have a tort claims process in Nebraska that, and I'm going to give you a lay person's interpretation rather than what one of the members of the Bar here might be able to do in infinite detail, but basically if you have a tort claim against the State of Nebraska you file your claim with the Claims Board and that has been done. If the Claims Board does not act on that particular claim within six months, you may then proceed to seek attention to your concerns in the courts. If the State Claims Board denies your claim, then you also have the available option of going to court and seeking settlement of your concerns in that matter. And if, in fact, you are successful in court or, if in fact, the Claims Board rules in favor of you, then that amount of money comes to the Legislature as part of the claims bill. My concern with this amendment is that it seems to fly in a contrary manner to existing court decisions that have been made in this particular area. To quote, only one of many such decisions that this particular amendment quite probably would create special legislation. It creates, and I'm quoting from a decision in Haman v. Marsh cited as 237 Nebraska at 699, by creating a totally arbitrary and unreasonable method of classification or by creating a permanently closed class. The intent of this certainly is to settle the claims resulting of the Commonwealth, American Federal, et cetera, et cetera.

SPEAKER BAACK: One minute.