

SENATOR COORDSEN: The amendment, the second part of this we would address when we come to that, but it also creates an unreasonable classification in that it provides redress to some claimants that are denied to other claimants with tort claims against the State of Nebraska. I wish I could support this settlement. I think that if we do at this point in time, since the time of decision by the State Claims Board has not yet elapsed, there has been no court test of this, that whatever we do this morning, if we do in fact decide to adopt this amendment, would be challenged and based upon all cites that have been available and they would be found unconstitutional at the time we're doing it. I think...

SPEAKER BAACK: Time.

SENATOR COORDSEN: ...it's wrong to lead good people on one more time and then cause them again terribly distress when they fail. Thank you.

SPEAKER BAACK: Thank you, Senator Coordsen. The next speaker I have is Senator Nelson.

SENATOR NELSON: Mr. Speaker, I wonder if, well I don't see Senator Landis here and I see Senator Schmit on the telephone. Maybe Senator Crosby could respond if she would, please. Is it...if I remember back in our discussion through the years and so on, that 53 or 54 million of this \$67 million fund was deposited in there before the NDIGC was ever created? Is that correct?

SENATOR CROSBY: I've read things about that, Senator Nelson, but I always think that that is a sort of a poor argument from my point of view for the way I feel about the depositors. I have read that. I don't have that in front of me right now.

SENATOR NELSON: I think that part is correct, but on the other hand, to follow that up a little bit further, well, we probably would have taken it out so even though that money was in there before this calamity come along, or the people were made aware of the problem, then of course it made a decision of whether I take it out or whether I leave it there, but I think that amount of money right in there, and I don't have it right in front of me now, was in before the NDIGC was ever created.