

from crime. And there are other provisions in the statutes that would prohibit compensation to the...to the Commonwealth depositors in that category. The third thing that we asked and I might mention to you that we have asked all of...we have inquired along all these lines with the Attorney General and I have passed out to you the Attorney General's response which you might be interested in reading with regard to the possibility of further compensation of the depositor victims by these various avenues and I'm repeating in part to you what the Attorney General has pointed out to us. But the third thing we asked the Attorney General, well, what if we had an amendment to the Constitution that would simply restore the status of the Commonwealth depositor as persons who could be compensated by means of lottery proceeds. And the Attorney General indicated, contrary to what Senator Schmit has indicated to you, that, quite clearly under the language of the Constitution, if you put that language in the Constitution, it will be legal to compensate the depositors with lottery proceeds. So we know clearly that that is a path to full compensation. We know clearly that full compensation for guaranteed deposits could be made if that path were followed. Now, the one last alternative that has been discussed in this body and which has been supported by the Lincoln/Lancaster County senators, is the possibility of a tort claim. But you must understand, and I think the depositors understand, that there are serious limitations upon any tort claim recovery at this point. In the first instance, there has already been a tort claim covering all losses up until a certain point in time, liability has been released, we cannot go back and reargue and get new money for that old claim. It is not...it is simply not legal. What we can argue about in terms of a tort claim is those...are those acts of negligence, gross negligence, those acts of fraud that occurred after the setting up of the receivership. And it may be and we hope there is and we have supported the effort to establish a legitimate tort claim for those items but you have to remember and you have to...and you have to know certainly that the amount of money that this court, this Supreme Court would validate under a tort claim theory may be a million, may be 2 million, it may be some amount of money, but I assure you it will never approach, it will never come close to approaching the guaranteed deposits because there is no factual basis for that.

SENATOR LANDIS: One minute, Senator Beutler.