

the Legislative Journal.)

SENATOR SCHMIT: Mr. President and members, on an earlier occasion I offered an amendment to LB 850 that would have reimbursed the depositors of Commonwealth based upon the tort claim which had been filed on their behalf. At that time, we secured 23 votes for the amendment. I am deeply concerned because at this early time in the morning we have less than 40 members here and all of us know how difficult it is to secure 25 votes out of 49, much less to secure 25 out of 37 or 38 or 40. So while I am speaking, I would hope that anyone who is in their office who is interested in this proposal will, of course, come to the floor. I am going to offer again this morning the amendment to reimburse the depositors for the funds that they lost in the failure of Commonwealth and, true to my promise earlier, I have offered another amendment which will limit the amount of recovery to \$30,000 per depositor. I am also going to call your attention to a response I received this morning from the Attorney General because I requested from him an opinion as to whether or not what I was doing was constitutional. He has responded in a very brief letter. I do not yet have his opinion and I requested that yesterday so that we would have it today because I did not want to fly blind on this instance. But since we do not yet have the opinion, I want to call your attention to the letter which Senator Coordsen has distributed before you and which I would have distributed had I had time. The Attorney General stated that the amendment which I had offered previously was unconstitutional for several reasons, including the fact that it would appropriate funds and provide substantive changes in state law in the same bill. That is a very simple error to remedy. Therefore, the amendment which you are looking at today is an amendment which will only address the issue of the money. I am offering the amendment just exactly as if the tort claims board had recommended that this claim be paid and that it be just another portion of LB 850. In order for me to be able to be successful in the second instance, I will have to find another bill and if we feel it is necessary to make the substantive changes, which I had included in the earlier amendment, we will then offer those changes in another bill. I want to just go back today and briefly review a little of the history of what took place, what happened and why we are here. I know that many of you have been very faithful to the idea that the State of Nebraska had an obligation to the Commonwealth depositors. We did, in fact, as a Legislature, make one settlement with the Commonwealth