

rest. I am not going into it. As I say, we have done it a number of times, but there is half a dozen major things, bad, bad practices that were occurring that we have corrected. We talk about precedent. Okay, you have got two matters here. There used to be the old theory of the king, in other words, the state can do no wrong. We have deliberately changed that and we have a system, claim system, so on and so forth so that if a state does make a serious error, does commit something against the individual, they have a right to collect damages, at least to a degree they have a right. That is all we are doing here. The precedent that you are suggesting we reestablish is that the king can do no wrong which is rejected by every single state. Now about the thousands of cases, over the three or four or five years this has been going on, we have uncovered about twenty-two, twenty-five cases of a similar nature. Each one of them had some distinguishing characteristic that would settle it, that has been settled so that it did not cost the state any money. Maybe it helped us correct something. The cases that have resulted have already resulted. So about all we are doing is we are saying, indeed, we have created a problem. Let's correct it to the degree that we can. He has used the process, the claims process. I suggest you go ahead and not return the bill. I suggest you just let the bill go on to Final Reading with all the other claims and we get this matter taken care of. If the Attorney General's thing, we have followed the identical process, identical to the trooper that was killed. Now if it is unconstitutional it is certainly unconstitutional there. I don't think it is but I am sure if the claims bill gets over to the Governor and for whatever reason he decides to veto it, that would probably settle the issue. But I think it should get to the Governor and that is all I am suggesting.

SENATOR CLARK: Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. President. Mr. President and members of the Legislature, the chief arguments being raised in the Soukup case is, and it has been sort of a litany as we have argued this issue on the floor, is that precedent is being set that is going to be very dangerous to the state in the future. I don't think that is a very good argument. The argument that I am worried about is the precedent that we are going to establish if we do not address this situation. The question is you know, in this matter, are we interested in protecting the state or are we interested in protecting the individuals who belong to the state. In the Joe Soukup case, nearly all of his remedies are exhausted. Certainly, maybe at an earlier stage in