

March 9, 1982

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and then we can see if I understand it also. In line 19, as it reads now, the State Board, well, "such Board shall if requested in the notice", that "shall", well that would be stricken and the language would be "may not deny the waiver if both conditions are met", and then I think he added language "if the conditions are met, the waiver shall be granted". But as I read the language that says nothing any differently than what is said now only it uses more words. So maybe what I will do because it is difficult to draft things like this on the floor, and I do want the State Board to have some discretion, I can just withdraw my amendment and you can do with the bill whatever you want to at this point but I tried to do something which may have been a mistake. If what I am trying to do is successful, it may make the bill palatable and I don't think that ought to be done. I don't think these waivers ought to be granted but my feeling was that if you insist on doing this, do it in a way that will allow a shred of credibility to attach to the Legislature. We don't want what we are doing here today to be viewed as though we were at a revival talking about salvation. We want it to be viewed as though we in fact were in the Legislature dealing with legislation and I think that Senator Landis is really intending to give the Board the discretion or the flexibility to make a determination of whether the first two conditions exist that are required in Section 1, and that determination having been made affirmatively, they then are required to grant the waiver. But as I read the language that he gave, I think it says with more words what is already here. I would want it made crystal clear that the State Board of Education can go behind this piece of paper that is submitted, the piece of paper that requests the waiver, and determinations can be made of the truth or the factual underpinning of the things alleged in that piece of paper, and if the State Board finds those conditions not to be as represented in that paper, you don't prosecute the people, you simply do not grant them the waiver. If the State Board finds those conditions to exist, then as the bill is drafted and as Senator Landis wants it to be amended, the State Board at that point would be required to grant the waiver. That is what is being attempted. I think I ought not have had a part to play in it. I am trying to bring a clean thing out of an unclean thing and that should not be my role. So unless somebody would object, I am going to withdraw the amendment that I offered and give those who really want to work this thing out an opportunity to do it in a more deliberative fashion so that what is desired can really be done and so that it will be reflected in the words that are placed in the amendment. And I know with Senator Landis' amendment pending, I can't just withdraw it on my own but that is what I think would probably be the

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