

is that time and again, dozens and dozens of times lawyers have filed their cases, and I've passed out to you a list of cases from the Supreme Court cases where they have filed the case against the board of education of school district such and such, time and time again, and nobody has ever said anything about it. It is a normal practice, and all of a sudden some poor young fellow gets hit because some lawyer claims it was technically incorrect, and he's being thrown out of court. And I'm just asking you to correct this matter. This should never be allowed to happen, we should give direction to the district court and to the Supreme Court on this matter and clear it up immediately. If we do not do that this year, as I said, an injustice may be done. Thank you.

SPEAKER BAACK: Thank you, Senator Beutler. Discussion. Senator Byars.

SENATOR BYARS: Yes, Mr. Speaker. I rise to oppose this amendment, not because of the reasoning that the statutory language should be changed, because I possibly could support that. But I rise because, as I've heard many others say on this floor many times, including Senator Warner, Senator Chambers, and others, that the law is the law, and we can't change the law in the middle of the stream to affect an individual. I know nothing about this case, but what I do know is that what we're being asked here to do statutorily is to change the rules in the middle of the game. We're asked to legislate retroactively. Senator Beutler, and I respect him for doing so, has come to us respecting the rights of an individual, apparently trying to help him in any way that he can. But I feel this is wrong. If he wants to change the statute to allow a suit to be filed, henceforth from the operative date of this section of the amendment, I can go along with that. But to make it retroactive, to give an advantage to one side or another I think is poor policy, and I don't think it's something that this body should be engaged in. As I've said, I've tried not to get into the situation of trying to analyze whether the individual, as he's filed this suit, is right or wrong. Senator Beutler has made the point, he still has due process available to him. He has not had his complete day in court. If the Supreme Court finds, as Senator Beutler is alleging, that the law is wrong, that all of the cases that have been heard before it were done correctly, this individual will have received his day in court, and the court will say, fine, yes, you can include...conclude in your filing, your filing is correct, and if your case is