

already liable under the federal law and they would prefer not having a prospect of a state liability exist as well and they felt they were already in compliance and the other section dealing with the rules and regs was brought up and they just felt that that whole section wasn't necessary and made that point.

SENATOR CHAMBERS: Senator Wesely, did they fear that the requirement to draft rules and regs would require too much work on their part and they simply did not want to do it?

SENATOR WESELY: Well, actually, their only reference was that they already had the power to do the rules and regulations and so they didn't need to be told that in the statute.

SENATOR CHAMBERS: Senator Wesely, if they have that power, do they also have that responsibility without this language?

SENATOR WESELY: No, and that's why we kept that language in the bill because we thought they should have rules and regulations.

SENATOR CHAMBERS: If you thought they should have rules and regulations, unless I misunderstand the amendment, isn't that some of the language that would be stricken by this amendment?

SENATOR WESELY: No, we only strike the reference to the ADA, the rules and regulations language remains.

SENATOR CHAMBERS: So if, Senator Wesely, the requirement that they draft rules and regulations remains, they are going to have to assume that responsibility. If, as they said, they're in compliance with the ADA, why do you see the necessity to strike this language? Because we are the policymakers, not the agency or the department, on whom will be reposed certain responsibilities by the policymakers. Here's the question. As policymakers, why, in this instance, should we accede to the wishes of DPI?

SENATOR WESELY: Because I think they have a very good point but, in addition, I have my own concerns that I've tried to express as well. So it's not just what the department is concerned about, but I think, I, personally, and the committee shared this, have concerns about the implications of the language we're dealing with in this amendment.