

bill they will tell you, the school boards, I was visiting even with the Nebraska Advocacy Services which does not support this amendment, that this bill is going to create more litigation for the school boards and school districts. The amendment I bring to you, and I'm going to give part of my time to Senator Withem because he has a formula to visit with you about on what this would do number wise. But it basically says that when a school board is sued, arising from a provision of the State Education Act, the State of Nebraska shall be named a party...defendant upon a motion filed by any party and they would pick up half of the cost. In talking to Senator Wehrbein, this would probably be a deficit appropriation, so the question of where's the money coming, it would probably have to come out of the Department of Education as a deficit appropriation. I don't think it is fair to our school boards and our school districts to say that we're going to pass this and then have the litigation come to them and they have to pick it all up. Somebody is going to have to pay for it somewhere. And if we want the school boards to pay for it, since it's litigation there's many different prices and costs that come from that, everything from expert witness fees, long distance calls, travel, meals, lodging, civil rights violations, fines, hearing costs, that the school board itself would probably end up as a personal property expense, personal property tax expense instead of out of the State Legislature...state expense. With that, I'm going to yield the rest of my time to Senator Withem, and I will try my best to answer any questions.

PRESIDENT ROBAK: Senator Withem.

SPEAKER WITHEM: Yeah, the first question might be why you yield the time to me. But that...we'll save that unanswered. This...when I saw Senator Pedersen bring this amendment I was intrigued by it. I'm supportive of it. And, come to think of it, this may be one of the very few specific things the Legislature can do to help control special education costs. LB 742 is a bill of which I am supportive, will be supportive, but it doesn't do much in terms of specifics as far as cutting costs of special education. It kind of adopts the philosophy that we know that there are excess costs out there, we don't know what they are. We've spent 10 or 12 years trying to figure them out, we haven't figured them out, but local government, local school boards cut costs anyway. One place where they can control their costs is not being overly generous with the types of special programs that they offer students. And one of the