

think in this area where we're talking about saving cost to special education it is, in fact, something specific that can be done. You know I applaud Senator Pedersen for bringing the amendment. I plan on voting for it. I think, you know, even the...I don't know where the advocates of LB 742 stand on this. I think in many ways it's a stand alone policy decision that won't necessarily add to or detract from the mainline part of LB 742, but I think it's an interesting part of the bill and I'm planning on supporting it and would encourage you, if you have any questions on this, certainly direct those to Senator Pedersen.

PRESIDENT ROBAK: Thank you, Senator Withem. Senator McKenzie.

SENATOR MCKENZIE: Thank you, Madam President and members, I rise in opposition to the amendment but not because I disagree with the concern that Senator Pedersen and Senator Withem bring to us, but because we are well aware that this is one of the problems that often drive the cost of special education. And I believe, in fact, so strongly that this is an area that we have to consider that we included it specifically in the study resolution for the interim work of the committee. But the reason, and I have expressed this to Senator Pedersen when he talked to me about it, the reason I'm rather reluctant to put this language in statute at this time is that we really haven't taken the time to look at whether or not this is the way in which we want to address the problem. Is a fifty-fifty cost-share the way we want to do this? Is that what will discourage lawsuits or will that in fact encourage lawsuits and that we lose some of the savings that Senator Withem talks about? Maybe not, but it's not an area specific to special education that we've taken the time to examine. The amendment offered before us puts an operative date of January 1, 1997. Nineteen ninety-seven will be the year that we introduce, we hope, the legislation that looks to reform the system in the intent language in LB 742. Because this is important and because we know we have to look at a way to address litigation and those court costs, I want to include it. As I said, I'm just reluctant to include it in a specific form at this time. But believe me it will be examined and we will come forth with some recommendation about how to deal with costs incurred by districts because of the state's rules and regulations in statutes. The other thing I would share with you just for your basic information is that since 1992, and that's the most recent list I have, there have been 25 lawsuits filed in Nebraska