

SENATOR PEDERSEN: By normal statute, that's right, yes.

SENATOR BROMM: Thank you, Senator Pedersen. I rise to oppose the amendment and I would encourage Senator Pedersen and Senator Avery to bring a bill next year and I think it's worth spending some time with, especially in view of the changes that we're making in the law and that we're going to look at making over the course of the next year and a half. I think there is some drafting problems here. If I had a claim right now, you can bet I wouldn't file it until after January 1 of '97. There is generally a four-year statute of limitations on those things. There's going...at least if I was a school, I wouldn't want it filed until then. Perhaps the plaintiff would file it if they wanted to nail the school district with all the cost before that date versus waiting till after that date, but if there was some way to postpone the filing till after that date, it's a little bit different ball game. There's some things here that need to be, I think, more properly drafted and thought out. For example, it applies to a claim arising from a provision of the Special Education Act. The question I would have, okay, if we've got an administrator that does a slipshod job of administering the rules, if he himself fails to do something, doesn't arise out of any law that we've passed, but he commits an act which is not in compliance with the rules and with the law, does that arise out of the Special Education Act? I don't know and I don't think that it says. There are a number of vague provisions that need further explanation and study. The defense of the case under this provision would involve the state which perhaps might be something I could favor because the state is going to wind up paying 90 percent of a judgement if one is rendered, so perhaps we should be involved in the litigation in terms of the way the case is handled and monitored and so forth so somebody doesn't cave in and we wind up paying 90 percent of a judgment. However, there are just too many questions and unanswered complications with this change in a law that I'm not at all comfortable with doing it at this point in time. I think I would be more than willing to help look at the issue in more detail in the next year and a half and as we develop the law more completely and the change in...

PRESIDENT ROBAK: One minute.

SENATOR BROMM: ...funding mechanism, I think we'd have a whole lot better grasp of how to approach this. I'm not opposed to doing something in this area. This is a little bit too quick