

the Legislature, either Senator Pedersen or Senator Avery, I don't care which, I just had one technical question and then I'll go on.

PRESIDENT ROBAK: Senator Pedersen.

SENATOR PEDERSEN: Senator Kristensen.

SENATOR KRISTENSEN: I'm having trouble following on paragraph number two when it says page 1, line 23, strike "shall" and insert "should as a goal". Do we...is this drafted to the right version of the amendment?

SENATOR PEDERSEN: It's AM7121 is what I have.

SENATOR KRISTENSEN: Senator McKenzie was...well, I'll go on but I got a little...I just want to make sure we've got it drafted to the right amendment. Okay? Thank you. Senator Withem makes a lot of sense when he spoke earlier about some of the benefits that an amendment like this could do particularly in the area of adding some way of having the Department of Education participate and have an interest in these local lawsuits. That draws my attention and generally gives me some encouragement that the state should have an interest in these lawsuits simply because if people are giving in to suits by giving the service in an effort to avoid lawsuits, controversy and payment of attorney's fees, that's not good public policy. I like the second part of the amendment that talks about the attorney's fees and assisting the school districts in defending themselves and trying to relieve them of some. I suppose Senator Lindsay's speech also draws my attention that in effect what I am doing is adding my name as the state to all the lawsuits that get filed in this area and becoming a party defendant and thus subjecting the state to exposure on lawsuits. My preference would be, and if Senator McKenzie, I know that she's probably deep in some discussion, my preference would be probably because I like the second half of this amendment and think that that's good policy that ought to be adopted and probably think the first part I can live with, with some study. Actually the delayed operative date gives us a session to try to implement that. There's part of me that doesn't like the exposure that the state may have because I don't want some of the smaller schools or schools that say oh, well, I don't care, let's go ahead and deny these even if it may be a valid point and because somebody else is going to pick up half the judgment, somebody else is going to pay the attorney's