

fees, I don't care, let them sue me and they'll take a more cavalier effect and actually what you do is you get more lawsuits and that's probably not good public policy at that end either. Well, Senator McKenzie what...Senator McKenzie, could I ask you a question?

PRESIDENT ROBAK: Senator McKenzie.

SENATOR KRISTENSEN: Would you be amenable at this point in time if we adopt the second half of that amendment and not adopt Section 8 or is that something that you're unwilling to do at this point?

SENATOR MCKENZIE: Senator Kristensen, I'm sorry I've lost my copy of the amendment that I was looking at.

SENATOR KRISTENSEN: The first half of a division may well be that you add the Department of Education or the State of Nebraska I guess it is as a named party defendant. Leave that for later, study and look at that the rest of it in terms of the attorney's fees and those expenses related to the suit and litigation. Is that something that you would be willing to put in? I think that's really what Senator Withem's speech went to and I thought it was the good policy of what he was doing.

SENATOR MCKENZIE: I would agree that I think, in fact, even from the Department of Education we've heard that it makes sense for them to be a party because...

PRESIDENT ROBAK: One minute.

SENATOR MCKENZIE: ...because of their experience and knowledge.

SENATOR KRISTENSEN: Well I'm a little goosey about putting them as a party defendant because I don't want to subject the State of Nebraska on half of all those judgments. I'm not so sure that I have a problem of assisting them in the defense of those cases and picking up half the cost, particularly if we use some of these waivers and things that may place those schools out at risk. And I guess maybe it was a way to see if we could adopt part of this policy because I think in general terms what Senator Withem was speaking about makes some sense to me, but that probably would require a little more work on this amendment and making sure it was correctly divided and doing some of those things. The hour is late, the end of the session is near and I