

guess I was asking what your response would be to doing something like that?

SENATOR MCKENZIE: Senator Kristensen, I'd be happy to visit with Senator Withem about whether he believes we can do that at this point, if he would be supportive of that.

SENATOR KRISTENSEN: Okay. Well my time is probably getting near up...

PRESIDENT ROBAK: Your time is up. Thank you, Senator Kristensen. Senator Beutler.

SENATOR BEUTLER: Madam President, members of the Legislature, I was just going to stand up and say that, affirm basically what Senator Lindsay has indicated and Senator Kristensen has indicated that the amendment taken as a whole is certainly seriously flawed in a number of respects that they've identified including things like who controls the litigation and I can see that you would be involved in probably in lawsuits as between the state and the school districts as to who is supposed to do what under this particular amendment. Senator Kristensen's idea on first impression of taking out Section 9 and doing that alone is a possibility but the problem there is that the language also seems to be unclear even within that section with regard, for example, as Senator Bromm identified to me, as to what is a claim arising from a provision of the Special Education Act. Now if a school district administrator just does something intentionally and knowingly not in accordance with the act and a lawsuit is filed, should the state claim, should the state be paying for an administrator who intentionally and knowingly violated the act? Well, I don't think so. There are a number of questions there that indicate that the amendment as it is now is simply not sophisticated enough to deal with the variety of circumstances that may come up in this particular situation. And I think that...well I think we need to think about those things and I for myself would rather see somebody work on that next year and add it to the law next year if we decided it was a good thing to do rather than at this late hour late in the session add something that we know needs significant amendment and maybe harder to do that way than to do as a whole piece from the beginning. Thank you.

PRESIDENT ROBAK: Thank you, Senator Beutler. Senator Matzke.