

SENATOR MATZKE: Madam President and members of the Legislature, when I first read this amendment I went back and talked to Senator Avery and his colleague back there, Mickey Mouse, and I said I liked the idea very much that is included in this amendment. And then I went over and talked to Senator Bromm and heard Senator Lindsay. I think the idea has a lot of merit to it, but there are some real serious legal problems with it. First of all, in an ordinary case if they know the state is going to pay half of the money, you're going to have a lot of potential plaintiffs who are going to say well, I really don't want to sue my school district but I know the state is going to pay half of it so I'll go ahead and sue them anyhow and what you're going to do, you're going to encourage quite a bit of litigation. The second point was very well made by Senator Lindsay in which he said it should be changed or at least we should consider changing it. Don't make the state automatically a party defendant, give the state the right to intervene and come into the lawsuit if the state finds that it is necessary to intervene for some legal purpose. I do like the concept that if our actions in putting a cap on special ed prompts litigation, we ought to bear some responsibility for it. The final problem that I have with this amendment is it is not effective until January 1 of 1997. That's nineteen months into the future. There's absolutely no reason for us to adopt this amendment tonight. We could wait, we could have an interim study on this, we can enact a bill in the next session of the Legislature and it would still be in effect before January 1 of 1997. I think this is a complex matter that we ought not to rush into at this point. I reiterate what I told the sponsors of this amendment. I think fundamentally it's a good idea. I asked them if they would consider pulling this amendment. If they are not interested in doing that, I would certainly urge this legislative body to disapprove and vote this amendment down at this time. It's certainly, as Senator McKenzie has indicated, could be the subject of an interim study and if we find that the amendment has merit, as I think it does, then it could come back later in proper form with a proper procedure.

PRESIDENT ROBAK: Thank you, Senator Matzke. Senator Schimek. The question has been called. Do I see five hands? I see five hands. The question before you is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Senator Schimek. Senator Schimek.

SENATOR SCHIMEK: I'd like a call of the house or not... just