

provide a mechanism and a policy that the state can stand behind the school districts. They've been out there on their own. I think it's very important that we stand behind them and provide that support. It's like the cartoon you see with the little guy there and the big burly individual behind, and somebody wants to come and pick on him. You're...you're...I think the situation is that it's going to provide those schools some protection. With that, we have looked at the amendment and we saw some of the mistakes. One thing that I think has been filed up there is a change in the amendment, and that amendment, I think, is something that we seriously should consider and support. So at that time I would like to withdraw the original amendment or pull it.

PRESIDENT ROBAK: The amendment is withdrawn. Mr. Clerk, any thing further on the bill?

CLERK: Senator Withem would move to amend. (Withem amendment, FA289, appears on page 2489 of the Legislative Journal.)

PRESIDENT ROBAK: Chair recognizes Senator Withem to open.

SPEAKER WITHEM: Yeah, I noticed some confusion when Senator Avery pulled that last amendment. It was necessitated by the calling of the question, successful calling of the question. As the question was called I was on the way up to the desk to ask for a division of the previous amendment. What we're doing, the same thing we would have done had we divided the amendment, we're doing with this. If you have a copy of the...and I don't because I gave my copy away, thank you, Doug. What we were going to try to do was divide out Section 9. A lot of what I heard evolving as a potential consensus on the floor was a lot of concern about the language here in Section 8, I know Senator Lindsay raised those points, Senator Kristensen raised those points, I believe it was part of Senator Matzke's concerns about the school district, board of education of any class arising, State of Nebraska being named a party defendant. There was some objection to that and the provisions at the bottom. Points two, paragraphs 2, 3 and 4 are no longer needed. What the amendment that is up there right now is Section 9 of the original Pedersen-Avery amendment, on lawsuits filed on or after January 1, 1997, alleging any claim arising from a provision of the Special Education Act, (1) after the amount of all attorneys fees, fines, expenses paid by or on behalf of a school district or board of education shall be treated as allowable excess