

SPEAKER WITHEM: Well, I think...I think...what the language I see before me says the lawsuit would need to be filed on or after January 1 of 1997. So I guess I don't understand how...

SENATOR BROMM: Okay, let me...

SPEAKER WITHEM: ...anything would happen prior to January 1 of 1997...

SENATOR BROMM: Okay, well...

SPEAKER WITHEM: ...would impact.

SENATOR BROMM: ...what if the claim arises between now and January 1 of '96, and this law is in effect, you know what the statute of limitations would be for such a claim? I think it's four years, would you agree?

SPEAKER WITHEM: I'm not aware of what the statute of limitations would be for the claim.

SENATOR BROMM: Okay, well that illustrates one of the legal problems that we have here. If we have this law in effect for five or six months, and remember we added the emergency clause here, and then we decided this wasn't perhaps worded quite the way it should be, we do a study, we come back and change it in '96, if a claim arises during this five or six months, in my opinion, there's a significant legal question about whether or not this law governs for that lawsuit, that they can wait for four years to file, as a matter of fact I believe, for a claim that arises out of an action that would occur, that's one of the questions. The other question no one has answered, I raised before, and that is, what is a claim arising out the Special Education Act? Let's say we've got an administrator that decides that he's not going to follow some rule or regulation or he fails to follow up on some requirement in terms of providing some service that the law in fact would require, so they file a lawsuit. Is that...is that a claim arising under the provisions of the Special Education Act or is that an act of negligence on the part of the administrator that the school should be responsible for rather than the state being brought in as a party in paying half of the claim and half of the attorney fees for something that we didn't have one thing to do with? Again, if you're going to do this, for heavens sake, take the time to