

study some of those provisions. Perhaps if we are at fault we should bear all of the cost. Perhaps if we're half at fault or it involves a law that we passed, we should bear a significant amount of the expense. On the other hand, if it arises out of a unilateral act that someone who either acts negligently or...

SENATOR HALL: One minute.

SENATOR BROMM: ...incompetently and that's the sole basis for the cause of action, I don't feel comfortable having us exposed for half of the judgment and the costs and the attorney fees for that situation. Those things need to be thought through, studied and carefully done. And I will be...I would be happy to be involved or participate in that. It's not that I'm against the idea, I want to emphasize that. I don't think that it's been given enough attention or consideration, I appreciate the thought but it's a little too quick. It's ten o'clock at night, we've had other major issues we've tried to deal with on this bill and I would rather reserve this for a bill next year, I just wanted to make sure that was clear. Thanks.

SENATOR HALL: Thank you, Senator Bromm. Senator Kristensen, your light is next.

SENATOR KRISTENSEN: Thank you, Mr. President, members of the Legislature. Senator Bromm, I want to try to follow through at least, I think, put on the record where that would go in terms of a claim arising from a provision. Obviously, if we come back legislatively and strike this provision, there won't be a law effective at the time they file the lawsuit that would allow them, at least in my opinion, to be able to claim reimbursement for those fees. And the reason for that is that I think construction is that at the time of the filing you have to look at what the law is at the time of the filing of the suit, not when the claim arose, because the law could obviously change in several different variety of ways in that period of time. What the courts look for is on the date of the filing of the suit was the law in place and effective so they could attach that. It would probably be a fair question to say that would be a point of litigation, obviously it would. I'm not saying that it won't, but I'm fairly confident that we don't expose ourselves in that manner. As opposed to Senator Abboud, I guess what I do is I look from the school district's point of view. The practicalities of an amendment like this is that special education laws are not going to come around that often. This is