

SENATOR HALL: Mr. Speaker, you are recognized to close on your amendment to the McKenzie amendment.

SPEAKER WITHEM: Yes, I would. I would again point out that what the attempt was is to remove the more...the most...the most contentious part of the original Avery-Pedersen amendment and give the body an opportunity to address lines 7 through 13 together at one time, and that's what the amendment does. Senator Kristensen, I think, did a good job of explaining what we would be doing here. We would be making the policy statement. As we were addressing the special education provisions of our statutes, we would be making the policy statement that the state will, in fact, participate in a portion of the litigation costs arising under an act that we are passing, that we are responsible for. I found it interesting, I don't know who originally brought up the argument about that this would somehow encourage litigation. I know Senator Abboud referenced that, but I know he's to...he didn't bring that up on his own, he brought...he said he was quoting somebody else, and I forget who he was quoting. You know if it encourages litigation, the only litigation it's going to encourage is local school districts taking a stronger stand against spending more money, that's what 742 is all about. It's not going to encourage parents to go out and file more lawsuits, they aren't benefitting, they could care less where their legal fees come from, whether it comes from the local property taxpayers, as it does now, or whether it comes from the State of Nebraska. The only thing that this will encourage is a more vigorous defense by local school districts, instead of caving in and granting to the parents that are demanding more and more expensive special education services, it will tell those school districts, if you want to stand, you don't think they're requesting an appropriate placement for their child, that the placement they're requesting is too expensive, we in the state will come in and help you stand for that. My original explanation that I passed out, where it's \$100,000 expense that's being saved, and a \$30,000 expenditure of legal fees, right now the local school district spends that entire \$30,000 and they only save \$10,000 by that activity. I find it really ironic, I guess, but I shouldn't, I guess. We find in this Legislature all the time that we're great at passing generalized policy statements of, it's important that we save money, it's important that we got money occasionally across-the-board cuts, but when it comes to doing anything specific, that's when we get cold feet and we don't