

CLERK: 25 ayes, 7 nays to cease debate, Madam President.

PRESIDENT ROBAK: Debate ceases. The Chair recognizes Senator Wickersham to close on his amendment.

SENATOR WICKERSHAM: Thank you, Madam President and members of the body, for your attention to this matter. I was, as usual, surprised by a couple of the statements that I heard from individual members of the body, and so, first of all, I will go through those so that, hopefully, we can clarify the issue a little bit. For those of you who thought that somehow this isn't a mandate, you ought to look at page 2, line 10. The word "shall," the word "shall" is a mandate. Beginning January 1st, 1997, each school district shall have. That's a mandate. Now for those of you who suggested that this is not an unfunded mandate because it won't cost anything, I think that is one of the most peculiar suggestions that I have heard in a long time because we are delegating to an agency, the State Department of Education, the authority to define the mandate. A state agency will define the mandate. Does that not give you any cause for...pause for alarm? It does me. That mandate will be defined outside the floor of this body. Now, as a policy matter, I would be unwilling to do that at a minimum, aside from whatever my concerns about having a mandate might be. To delegate definition of the mandate to a state agency is not appropriate, in my view. For those of you who think that this does not affect the programs that school districts already have in place, I suggest that you again carefully read the language. It says, beginning January 1st, 1997, each school district shall have an alternative school, class, or educational program available for all students expelled, or whose expulsion has been suspended under this section. That leaves no leeway for the other programs that you all were talking about up there under the may sections. The may sections that schools have currently been using to address the problems that we say they shall do in a new way that will be defined by a state agency. Why should we do that? And, Senator Schimek, this amendment isn't exclusively confined to guns. I don't know who...this portion of the amendment is not exclusively confined to guns. I don't know where that notion came from. This is for all expulsions, including the playing of mumblypegs on the school ground that Senator Hartnett mentioned. I don't think that somebody that's expelled for playing mumblypegs on the school grounds ought to go sit at home. That isn't what this amendment, this proposal