

PRESIDENT ROBAK: Senator Chambers.

SENATOR CHAMBERS: Yes.

SENATOR BROMM: Is your primary objection to these words that they are surplusage?

SENATOR CHAMBERS: Yes. And they could lead to a misunderstanding or misperception by board members as to what it is we're talking about here.

SENATOR BROMM: How could that lead to a misunderstanding by the board members as to what we're talking about?

SENATOR CHAMBERS: That we think that this requirement that they sell, or come back with this plan requiring the sale of 95 percent of these lands by a certain date probably is in violation of their fiduciary duties, so don't take too seriously what we're telling you. We're giving you a way out by including these words. So you really don't have to do that.

SENATOR BROMM: So you think that by having the words in there, even though they have no affect, that it gives them a way out?

SENATOR CHAMBERS: Yes, I'm saying they have no legal effect in terms of what their responsibility and duties are, and it's because of the sentence structure that you have chose...or whoever put it here has. "The plan shall comply with the fiduciary duties of the board but shall provide for the sale of ninety-five percent of all educational lands by January 1, 2012". If that cannot be done in compliance with their fiduciary duty, then we shouldn't mandate that they do it. So by putting these two ideas together in one sentence we're saying we want to give the impression that we're serious and that you should come back with this plan, however, you really don't have to do it because it probably violates your fiduciary duty.

SENATOR BROMM: Well, are you saying that a different structure would be acceptable to you? A different sentence structure?

SENATOR CHAMBERS: Right, if we drop those words and just say the plan shall ...