

doing a lousy job, not because they are state employees but that would be true in any group of any employees for one reason or another. I think that this particular procedure sets up the possibility where, if an employee sees he is getting into some kind of trouble, he can run quick to the public counsel and file an allegation and say my agency is doing this or that wrong. Then, as the personnel department proceeds with getting rid of this employee because of other reasons, they may put the employer in the position where they have to prove that the reason they are getting rid of this person is for a reason other than the fact that he filed the allegation. In other words, it puts, I think, an unfair burden on the employer and sets up a situation where the system that we are setting up can be misused by the employee to switch around a burden of proof and to make the whole procedure much more difficult. The whole bill, 401, you know really for the first time puts into effect an elaborate set of protections for public employees. This is the first time in the state that we have done this. It is a very comprehensive bill. I don't think that we need to take the extra step, at this particular point in time, of putting the burden on the employer to prove that the reason that the employee is being fired or whatever, or disciplinary action is being taken, I don't think we need to go one step further and put the burden on the employer to presume or to prove that it was other than for reasons of filing an allegation of wrongdoing with the public counsel's office.

SPEAKER NICHOL: Excuse me, Senator Beutler, one moment. (Gavel.) Let's have a little more order so we can hear the speaker. Thank you.

SENATOR BEUTLER: I think that goes a step too far, that is basically the import of the amendment.

SPEAKER NICHOL: Senator Landis, please, and then Senator Wesely.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I oppose the Beutler amendment. It is simply a matter of time. We've all been bitten at one point or other by the Beutler Final Reading bug. It is my turn today. It is a sincere attempt to see that the legislation that passes comports with Chris' philosophy. I know that he only makes those because...these amendments because they are things that make it consistent with what his point of view is. He