

SPEAKER MARVEL: The motion is carried. The amendments are adopted. Senator Hoagland, do you wish to explain the bill?

SENATOR HOAGLAND: Mr. Speaker and colleagues, this is a bill involving state government now as opposed to political subdivisions, and I think in order to explain the needs and the importance of this bill, all I can do is give the same example that I gave before. Imagine yourself as a small business heavy equipment contractor and you have a contract with the Department of Roads and the Department of Roads....you have executed your contract and you are all done and the Department of Roads refuses to pay you \$3000 you say you are entitled to. They turn their nose, turn their thumb up at you. So you have no alternative if you want your \$3000 but to hire a lawyer and go before the State Claims Board and you do that and that takes about six months, and your claim is either granted or denied. If it is denied you go to court and that takes another twelve months. Now what this bill allows is if you prevail before the State Claims Board or if you prevail in court, why the State Claims Board or the court has the discretion, if it wants, and these are state officials talking about spending state funds, the State Claims Board or the district court has the discretion if it wants to award you attorney fees over and above your \$3000 so you don't have to suffer that loss of litigation completely yourself. Now it seems to me to make eminent good sense to permit this sort of arrangement in state law whether it is a contract dispute or a state dispute. And again all I can say is put yourself in the business as somebody that has to sue the state and you know if you have got to hire a lawyer, you basically can't afford to proceed if your claim is not worth at least \$5000 because the lawyer is going to eat everything up. And again in response to the arguments that Senator Johnson made before, there is nothing mandatory about this. It is up to the discretion of the judge or the State Claims Board if it wants to award you your \$3000 to give you your costs over and above that. And I think it is a matter of good government. I think it is going to give the Department of Roads in a \$3000 suit the incentive to settle the thing and not stonewall you all the way through the courts because if they stonewall you now, the most their liability is ever going to be is what they owed you in the first instance so they have got absolutely nothing to lose, no incentive to settle, no incentive to try and work it out, and you as a small business man are simply left holding the bag. So I think this makes a lot of sense and I urge you to support it so we can give some relief to people that are caught up in these situations. Thank you, Mr. Speaker.