

SENATOR CLARK: Has that amendment been distributed?
All right, Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, all of you have a copy of this amendment on your desk written by a page whose handwriting is a lot better than mine. I asked that be done so it would be legible to you. Now if you are going to permit lawsuits against the NRDs, which evidently you are going to do, it is going to tie these things up for a couple of years, at a minimum let's adopt this amendment that says the NRDs can't get nailed with the attorney fees of the person that brings the lawsuit. Now we all know, Senator Haberman is familiar with the problems the Upper Republican Natural Resource District has because of the shortage of funds. The NRDs all raise their money through property taxes, property taxes that are levied on the people out in that area. If a control area is set up, they can levy a little bit higher mill levy than otherwise, but nonetheless it comes out of property taxes. The NRDs budgets are small, \$50,000, \$100,000, \$150,000, \$200,000. Now what this amendment is designed to do is prevent them from having to pick up the entire cost of litigation. Now this amendment is necessitated by another bill that is in the process this year that permits people to recover attorney fees when they sue the state or sue some political subdivisions. Now here is the problem that I have got and I hope you listen carefully to this. Let's say an NRD Board really, genuinely wants to set up a management area so they develop a management plan and you have got one disgruntled landowner who wants to hold the thing up for a year or two so he takes the NRD into court, and the NRD runs up \$20,000 in attorney fees and the landowner runs up \$20,000 in attorney fees. All this amendment says is the court cannot require the NRD to pick up the landowner's attorney fees, because you see what you are going to do if this bill passes with these provisions in it, you are going to be tying the NRDs up in litigation for a couple of years and they all are going to be going broke because they are going to have to use up their property tax money to pay not only their own attorney fees but the attorney fees of the people that are filing the lawsuit. Now I can understand that some proponents of this bill may have problems with the way this amendment is drafted technically and I see Senator DeCamp's light is on and we may hear about some technical problems with the way this amendment is drafted. He maintained there were technical problems with the way the last amendment was drafted and I have no pride of authorship. If Senator DeCamp and Senator Schmit want to sit down and work out with me an amendment that will do this in a technically correct way, let's go ahead and do it but let's not use