

SENATOR NICHOL: Yes, Senator DeCamp, I think this is covered in other sections of the law and I don't believe though that it needs to be covered in the water law. I would suggest that you or Senator Hoagland look up...I don't know whether it is necessary to put that in water law because I think it is covered somewhere else in other legislation last year.

SENATOR DeCAMP: Yea, I kind of thought so, too. Well, I would object to it and I am going to vote against it and I would sure be willing to sit down with you, Peter, and talk about it in a bill or in...I think there is two or three bills before the Judiciary Committee now that deal with this very subject, attorneys fees. I think Karen has one and I don't know who else, all kinds of them.

SENATOR CLARK: Senator Burrows.

SENATOR BURROWS: Mr. Chairman, members of the body, I would strongly oppose this amendment. It simply tends to make dictators out of the Natural Resource Directors. In my hometown in the last couple of years, I paid taxes on both sides of a lawsuit where the Natural Resource District took on a ridiculous case of forcing the town to remove a water line that was in the vicinity of a structure that is next to the town. They took it to the Supreme Court and they lost, and in that circumstance, it was the town, and we had taxpayers paying both sides of the suit. Some of these Natural Resource District managers tend to feel very lofty in their positions and the individual, if he can't recoup any portion of attorney fees when he is unjustly taken to court by a Natural Resource District or involved in a lawsuit with it where he is unjustly treated, he is even in a more helpless position. The way the bill is presently drafted takes care of the NRD as long as their activities are reasonable. They don't have anything to worry about. The attorneys fees are only going to be awarded when they forgot about following the law, when they have got into an unreasonable position with the individual they are dealing with, and all the amendment will do is give them a little super power. They are okay right now if they follow the law and their activities are reasonable and prudent. They won't be paying any individual attorneys fees. I think this amendment is one of the worst things that could happen to the farmers in the State of Nebraska, to give that Natural Resource District, which may and probably ordinarily will operate fairly, give them the hammer over any individual they are dealing with in water law. I strongly urge the body to reject this