

SENATOR HOAGLAND: In federal court, they could only get attorney fees in an action under the civil rights act and I don't think they would have a civil rights action contesting the adequacy of a ground water management plan.

SENATOR WARNER: That is fine. The other question, thing, I listened to your argument on why they should not which as I understood is primarily as property tax saving or cost saving and I have a little difficulty in rationalizing that position with the other bill that you mentioned which does permit the recovery of attorney fees if the governmental subdivision is wrong, which I assume also would affect property taxes. What is the uniqueness about making this situation exempted from the other bill that the property tax argument would seem applicable to both or either?

SENATOR HOAGLAND: It is, Senator Warner, but here is what is unique about it. All this amendment applies to is the adequacy of the ground water management plan which an NRD has to complete and has to have approved by the State Director before it can set up a management area. Now I think that our law should attach such a presumption to the adequacy of that that no suit is permitted to challenge it at all and I made that clear in the previous amendment, but if we are going to permit suits to challenge it which evidently is the will of this body, why then at an absolute minimum let's not let the NRD have to pay property tax funds to pick up the other side's attorney fees as well as having to pick up its own attorney fees, and hopefully that will tend to discourage suits if people have to pay their own attorney fees so that the management plan can get adopted and we can have a management area and we can get on with controlling the use of water. But I think in response to what Senator Burrows indicated, this amendment is very specifically limited, only the suits to challenge the adequacy of the ground water management plan, nothing else, and the way I distinguished that from the other bills we have talked about, Senator Warner, is I think there should be a presumption attached to those or else we are not going to get any water managed in this state under 375 for one heck of a long time. As long as there is one disgruntled landowner in the proposed management area that doesn't like it, and you know there is going to be at least one person that don't like it.

SENATOR CLARK: All right, Senator Hoagland, do you wish to close?

SENATOR HOAGLAND: Mr. President, I don't want to beat a dead horse. We have already spent over an hour on this