

and provisions in the statute.

SPEAKER MARVEL: Senator Burrows and then Senator Beutler.

SENATOR BURROWS: Mr. Chairman and members of the body, in my particular Natural Resource district we have a suit going on against my home town. It is a ridiculous suit. They lost it. They are going to the Supreme Court with it, and the members of my community are paying both sides of the lawsuit as taxpayers. I oppose this bill. I think it is a mistake to make it any easier for the natural resource districts to involve themselves in the courts. In this case it has been ridiculous, the involvement they took. It was regarding a water line that was somewhat close to a structure. It is near the town, and one which everyone in the community has looked at just considers a ridiculous lawsuit, and to help the natural resource districts out by giving them freer access to the courts in lawsuits I think would be a ridiculous move at this time. I think that the Legislature should look seriously at not just letting this go, letting them go through the present procedures of putting up the bonds and not give them freer access to sue and involve in court litigations. Thank you.

SPEAKER MARVEL: Senator Beutler, Senator Lewis.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I just wanted to make one quick comment. The whole purpose of the bond for costs for appeal, injunction attachment, the whole purpose of the bond is to make sure that the entity or the person who is posting the bond ultimately makes the payment if he is called upon to make the payment. Now if you are talking about private individuals, of course, we should retain our bonding statutes in all cases, because you can never be sure whether the private individual will be able to pay those costs ultimately. But when you are talking about public entities, when you are talking about cities and natural resource districts and entities which have a clear taxing power, then it is quite clear that they are going to have the power to pay. They will have the obligation to pay, the legal obligation to pay. They can't get around that, and they have the power to generate the money to pay. There is just no doubt about it. So the bonding requirement, I think, has been incorrectly applied to political subdivisions in the first instance, and I think this is our opportunity to make reality or to make the bonding requirement reflect reality, and that reality is that the NRDs are certainly going to have the money to pay their costs and their appeal costs. So I would ask you to vote in favor of the bill.