

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I have been discussing for sometime this morning with Senator Schmit the various amendments and the possibility of working out a kind of compromise and Senator Schmit has been very reasonable and has agreed to one particular amendment which will come up on Section 14 which will be introduced by Senator Vickers and myself, and with that agreement, I would like to request unanimous consent from the Legislature to withdraw all amendments...all Beutler amendments that are pending on request #2505.

PRESIDENT: All your amendments with the exception of this one on Section 14 that Senator Vickers had shall be withdrawn. They are withdrawn.

CLERK: Mr. President, the next amendment I have...I have two more amendments to Section 3, the first offered by Senator Hoagland. The amendment would read...would you like me to read the amendment, Senator? The amendment would read as follows: (Read Hoagland amendment (1) found on page 379, Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. President and members, this is a serious amendment as are the previous ones but I want to emphasize this because I would really like for you to pay attention for just a moment. If you look at page 5 and 6 of the bill, you will see that before...of the amendments... you will see that before a Natural Resource District can set up a management area they have to prepare a management plan. And pages 5 and 6 set out in considerable detail what that plan has to contain. I would like you just to review those pages for a moment and understand the complexity of what has to be contained in a management plan. Now if we don't adopt this amendment, what I foresee is litigation of the sort that has surrounded federal environmental impact statements which will be able to be used successfully by even a single landowner in an area to hold up the imposition of a management area. Now let me explain this in detail. One of the principal concerns that I have had about this bill, and this has been expressed by other people outside the Legislature who have reviewed it, is that these attempts by NRDs to set up management areas can be tied up indefinitely in litigation by the courts and the litigation would center around whether this management plan is adequate or not, whether it complies with the statute or not, and if you will look at page 5 and 6 where those thirteen subsections are set out, you will see that it is full of traps. It is full of opportunities for a Natural Resource District