

the Standing Committee of the Legislature that had an assigned interest to that area would also make recommendations on the payment of the court judgment to the Appropriations Committee which would be included in a bill similar to the Claims bill. Now the reason for having that process is so that the Standing Committee that dealt with that Department in the normal course of things would also be alerted formally that there had been some court action, that they may want to be looking at the statutes or the operation of that agency. Also they would have input on advice to the Appropriations Committee then to place that appropriation in the bill and it was mostly a case of notification. And also the original bill, again, is one of these areas where it authorized DAS to write a check on the general fund without a requirement for an appropriation which, obviously, they can't do unless there is an appropriation. The payments will be after the fact which is the way it is with the Claims bill that we all are familiar with. Now the amendment does one other thing as well and that is that we have had occasions the state will be assessed attorney fees and expenses in federal courts under certain types of cases and this would permit the same system where in case those kinds of fees were assessed the state that they could be handled in the same fashion, where now there is an absence of any process, at least spelled out in statute, as to how those should be done. This only has occurred the last two or three years as I recall but it is a very recent federal court process, at least as far as the state is concerned, and I think we need that same vehicle for meeting those costs as this amendment will provide. Now there is an amendment that Senator Vickers has offered which I have an amendment I think in lieu of Senator Vickers' which will spell out specifically that we would look first to the agency's appropriation where the agency would be required to pay out of their regular appropriation or we would look first at their regular appropriation before any additional funds would be authorized to pay those costs. And so that is the purpose of the amendment.

SENATOR CLARK: We have an amendment to the amendment.

CLERK: Mr. President, the first amendment to the amendment is from Senator Vickers. That Vickers amendment is on page 462.

SENATOR CLARK: I think he wants to withdraw that?

CLERK: Do you want to withdraw that one, Senator?

SENATOR CLARK: You have another amendment to the amendment.

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