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LB 425

SENATOR BOURNE: How is it, though, that a statute can exist that requires the state to perform a duty so the state is obligated in some regard, and then they basically thumb their nose at the counties and say, we're not going to pay? How was the statute worded that it...such that it would allow the state to get away with that conduct?

SENATOR D. PEDERSON: I don't believe it does. I think that that's why I was objecting to the procedure adopted by Governor Johanns of saying, well, we just don't have the money; therefore, we're not going to obey this particular law. And I felt at the time that there was adequate money in Corrections, and it fell on deaf ears.

SENATOR BOURNE: All right. So basically the remedy then, if a county was to receive "x" number of dollars that the statute specifically says the state has to pay, then the remedy for that county would be to sue if that money is not forthcoming?

SENATOR D. PEDERSON: I would think so, yes.

SENATOR BOURNE: Okay. And no county has elected to do that. I assume that to sue the state is a significant undertaking.

SENATOR D. PEDERSON: Yeah.

SENATOR BOURNE: But you would agree with me that the state has this obligation and has not met that obligation for a number of years.

SENATOR D. PEDERSON: I would agree.

SENATOR CUDABACK: One minute.

SENATOR D. PEDERSON: It's statutory and they simply haven't done it.

SENATOR BOURNE: Okay. And again, your objection to the amendment is not necessarily...I don't want to mischaracterize your words, but you would probably say it is the right thing to do. You simply don't want to change the precedent of being