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Transcriber's Office  
FLOOR DEBATE

May 19, 2005

LB 673

management program, the statute says it shall assume the responsibilities and duties under the act. When the word "shall" is used, that makes it mandatory. Would you agree?

SENATOR D. PEDERSON: That's right.

SENATOR CHAMBERS: Under this bill, if a property owner has been found to be responsible for dogs encroaching from his or her land to somebody else's land, the county can give that person notice and order something to be done. And if that person refuses, the county, in the appropriate way, can enter that land and take steps to eradicate the problem.

SENATOR D. PEDERSON: I would say it's required to do that.

SENATOR CHAMBERS: Now, let's say that there are ten people who filed complaints, and the county does not have the money to pay for these activities to be done. Could the persons with the complaint file an action to compel the county, despite its claim not to have the money to carry out its duties under this bill?

SENATOR D. PEDERSON: I assume that they would have the right to do it directly, but certainly it's an obligation of the county that they have assumed. And I assume that it would be permissible for the individual to bring the action against the county to enforce it.

SENATOR CHAMBERS: Thank you. Now, I will ask Senator Louden a question. Senator Louden, do you think the county officials are aware of that?

SENATOR BAKER: Senator Louden, would you respond, please?

SENATOR LOUDEN: Oh, I'm sure they are because there were some county officials, you can see your lobbyists out there, that the NACO was some of them that was...weren't for this, and we pointed out to them that if they didn't want to get into that predicament, then don't adopt the plan. So that's the reason it isn't mandatory that they adopt a plan. It's an optional plan.

SENATOR CHAMBERS: But here's what I'm dealing with. A county