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FLOOR DEBATE

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LB 673

point. This is the point...well, I'll finish it: "It all started with a broken sibling; / In the words of the famous Rudyard Kipling." What Senator Louden...I meant what Senator Stuthman said was not in direct response to my question. He is talking about the county assessing the cost of this management to the property owner after it has been done. I would like to engage Senator Stuthman in a little exchange, if he will indulge me.

SENATOR BAKER: Senator Stuthman, would you respond?

SENATOR STUTHMAN: Yes, in a short answer.

SENATOR CHAMBERS: (Laugh) And I'll try to make the questions short. Senator Stuthman, if a county said we've got to go on this land and manage these prairie dogs, and we don't have the where...we don't have people to do this so we're going to have to hire somebody but we don't have the money to pay anybody. That's what I'm getting at. Under the law, when they pass that resolution, they shall assume the duties, and one of the duties is to go on that land and take action against those prairie dogs. So if property owner A is the complainant and property owner B, and right through J, the letter J--A, B, C, D, E, F, G, H, I, J, K--I, J, those ten individuals have established that the dogs on the adjacent property need to be managed and they want the county to do what the law said they shall do, the state law, because they voluntarily assumed that responsibility. And the county says, we cannot afford to hire anybody to do that. So these ten people, individually or collectively, sue the county. The county can be sued because there is a clear duty placed on them that's mandatory by the state law. And the court enters a mandamus action that orders the county to carry out this duty that the statute imposed on them. If they haven't got the money, what are they going to do? They can be made...can they can be made to sell some county property to get the money to comply with that court order?

SENATOR STUTHMAN: Realistically, the process that would happen, it would be adopted in the management plan, how the process would go. If the property owner did not remove them in a certain length of time, the county was responsible to move them.