



Pete Ricketts
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Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 449 without my signature and with my objections.

This legislation repeals the authority of counties to prevent the spread of prairie dogs when an individual landowner refuses to implement effective control measures on his property.

My primary concern with LB 449 is that it fails to protect the individual property rights of those landowners who are detrimentally harmed by a neighbor's inaction.

The bill shifts the burden and cost of effective controls from landowners who are content to have prairie dogs on their land to neighbors who object to the presence of this species on their properties. The Black-Tailed Prairie Dog Management Act imposes a duty to ensure prairie dogs do not spread as a nuisance and provides an incentive for landowners to act responsibly to protect their neighbors.

Counties have used the existing statutes judiciously. The primary focus of counties has been to act in cooperation with all landowners to proactively manage prairie dog populations. Counties should continue to have this authority absent evidence that there has been a clear abuse of power in enforcement of the law.

Assertions that other agencies have the same power to address the issue are misleading. While the U.S. Department of Agriculture Animal and Plant Health Inspection Service will assist the State, counties, and landowners to find and use effective controls, that federal agency will not apply such controls on privately owned land without permission from the owner and a payment commitment. The costs of controlling prairie dog populations should not be transferred to property taxpayers but, instead, should remain the responsibility of individual landowners who choose to allow prairie dogs to exist on their land.

This bill has been represented to be a landowner protection bill; however, repeal of these statutes would actually infringe on the property rights of responsible landowners.

Sincerely,

Pete Ricketts
Governor