

SECOND DAY - JANUARY 5, 2017
LEGISLATIVE JOURNAL
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 5, 2017

PRAYER

The prayer was offered by Senator Bolz.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senator Watermeier who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Senator Hilgers moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the twelfth legislative day.

The motion prevailed.

COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Senator Craighead offered the following Committee on Committees report:

Agriculture (8)
Rm. 2102 - Tuesday
Brasch (C), Albrecht, Blood, Chambers, Halloran, Harr, Krist, Lowe

Appropriations (9)
Rm. 1524 - Monday & Tuesday
Rm. 1003 - Wednesday, Thursday, & Friday
Stinner (C), Bolz, Hilkemann, Kintner, Kuehn, McDonnell, Vargas, Watermeier, Wishart

Banking, Commerce and Insurance (8)

Rm. 1507 - Monday & Tuesday

Lindstrom (C), Baker, Brewer, Craighead, Kolterman, McCollister, Schumacher, Williams

Business and Labor (7)

Rm. 2102 - Monday

Albrecht (C), Chambers, Crawford, Halloran, Hansen, Howard, Lowe

Education (8)

Rm. 1525 - Monday & Tuesday

Groene (C), Ebke, Erdman, Kolowski, Linehan, Morfeld, Pansing Brooks, Walz

General Affairs (8)

Rm. 1510 - Monday

Larson (C), Blood, Brasch, Harr, Krist, Quick, Riepe, Wayne

Government, Military and Veterans Affairs (8)

Rm. 1507 - Wednesday, Thursday, & Friday

Murante (C), Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Wayne

Health and Human Services (7)

Rm. 1510 - Wednesday, Thursday, & Friday

Riepe (C), Crawford, Erdman, Howard, Kolterman, Linehan, Williams

Judiciary (8)

Rm. 1113 - Wednesday, Thursday, & Friday

Ebke (C), Baker, Chambers, Halloran, Hansen, Krist, Morfeld, Pansing Brooks

Natural Resources (8)

Rm. 1525 - Wednesday, Thursday, & Friday

Hughes (C), Albrecht, Bostelman, Geist, Kolowski, McCollister, Quick, Walz

Nebraska Retirement Systems (6)

Rm. 1525 - At call of Chair

Kolterman (C), Bolz, Groene, Kolowski, Lindstrom, Stinner

Revenue (8)

Rm. 1524 - Wednesday, Thursday, & Friday

Smith (C), Brasch, Friesen, Groene, Harr, Larson, Lindstrom, Schumacher

Transportation and Telecommunications (8)

Rm. 1113 - Monday & Tuesday

Friesen (C), Bostelman, Briese, Geist, Hilgers, Hughes, Murante, Smith

Urban Affairs (7)

Rm. 1510 - Tuesday

Wayne (C), Crawford, Hansen, Howard, Larson, Quick, Riepe

Committee on Committees (13)

Craighead (C)

District 1:	District 2:	District 3:
Kolterman	Harr	Erdman
Morfeld	Hilkemann	Friesen
Pansing Brooks	Howard	Groene
Schumacher	Smith (VC)	Kuehn

Enrollment and Review (1)

Wishart (C)

Reference (9)

Watermeier (C), Kuehn (VC), Bolz, Chambers, Crawford, Hughes, Larson, McCollister, Scheer, Stinner (nonvoting ex officio)

Rules (6)

Hilgers (C), Harr, Krist, Kuehn, Schumacher, Scheer (ex officio)

Executive Board of the Legislative Council (9)

Watermeier (C), Kuehn (VC), Bolz, Chambers, Crawford, Hughes, Larson, McCollister, Scheer, Stinner (nonvoting ex officio)

MESSAGES FROM THE GOVERNOR

May 10, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the State Racing Commission:

Helen Abbott Feller, 1121 18 Street, Wisner, NE 68791

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

May 10, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Information Technology Commission:

Shane Greckel, 54172 887 Road, Bloomfield, NE 68718
Daniel Spray, 1005 Woodcrest, Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 1, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is appointed as the Chief Medical Officer and Director of the Department of Health and Human Services - Division of Public Health:

Thomas L. Williams, M.D., 17728 Harney Street, Omaha, NE 68118

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 31, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Ethanol Board:

Randy Gard, 3927 Meadow Way Trail, Grand Island, NE 68803

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 31, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

Gwenn Aspen, 445 N. 61 Street, Omaha, NE 68132

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 31, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Crime Victim's Reparation Committee:

Joe P. Kelly, County Attorney's Office, 575 S. 10 Street, Lincoln, NE 68508
Rita G. Sanders, City of Bellevue, 210 W. Mission Avenue, Bellevue, NE 68005
Jeffrey Davis, Sarpy County Sheriff's Office, 8335 Platteview Road,
Papillion, NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 31, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being reappointed to the Technical Advisory Committee on Statewide Assessment:

Chad W. Buckendahl, Ph.D., 2467 Cordoba Bluff Ct., Las Vegas, NV 89135

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

August 31, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Motor Vehicle Industry Licensing Board:

Dennis Schworer, 417 Ridgewood Drive, Bellevue, NE 68005
Stephen Budke, 920 Dillon Circle, North Platte, NE 69101

Also, contingent upon your approval, the following individual is being reappointed to the Motor Vehicle Industry Licensing Board:

William Ashburn, 4608 Hawthorne Drive, Lincoln, NE 68516

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 9, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being reappointed to the Child Abuse Prevention Fund Board:

Lisa Knoche, 3440 S. 39 Street, Unit B, Lincoln, NE 68506
Mary Beth Hanus, 12619 Orchard Avenue, Omaha, NE 68104

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 9, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Personnel Board:

Mary Shanahan, 4930 South 72nd Street, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

December 15, 2016

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Arts Council:

Stephen Bader, 14724 O Circle, Omaha, NE 68137

Also, contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Paula L. Pflueger, 11811 Koenigstein Avenue, Norfolk, NE 68701
Reven Wright, 21 Red Fox Lane, Kearney, NE 68845
Melissa Marvin, 15928 Lake Street, Omaha, NE 68116

Candy Henning, 6015 The Knolls, Lincoln, NE 68512

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

January 3, 2017

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska Tourism Commission:

Mitch Glidden, 507 SW 1st Street, Mullen, NE 69152

Also, contingent upon your approval, the following individuals are being reappointed to the Nebraska Tourism Commission:

Roger Dixon, 16641 Howard Circle, Omaha, NE 68118
Carol Schlegel, 37785 Road 721, Culberston, NE 69024
Tony Moody, 7956 S. 171 Street, Omaha, NE 68136

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

January 3, 2017

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Nebraska State Fair Board:

Dennis Hoffman, 301 Main Street, Thedford, NE 69166

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

January 3, 2017

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

Dear Mr. President, Speaker Hadley and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Game and Parks Commission:

James Ernst, 11 Wildwood Drive, Columbus, NE 68601
Henry Rick Brandt, 17851 South 12th Street, Roca, NE 68430

Also, contingent upon your approval, the following individual is being reappointed to the Game and Parks Commission:

Patrick Berggren, 1109 South 5th Avenue, Broken Bow, NE 68822

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

ATTORNEY GENERAL'S OPINIONOpinion 16-010

TO: Senator Mike Groene
Nebraska Legislature

FROM: Douglas J. Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

RE: Propriety of the Use of Tax Increment Financing for the Acquisition, Planning and Preparation for Development of Undeveloped Vacant Land Under Neb. Rev. Stat. § 18-2123 (2012).

Neb. Rev. Stat. § 18-2123 (2012) provides, in part, that "[u]pon a determination, by resolution, of the governing body of the city in which such land is located, that the acquisition and development of undeveloped vacant land, not within a substandard or blighted area, is essential to the proper clearance or redevelopment of substandard or blighted areas or a necessary part of the general community redevelopment program of the city,..., the acquisition, planning, and preparation for development or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority...." During the recent legislative session, you introduced LB 719, which proposes to amend § 18-2123 to provide that "[t]ax-increment financing as provided in section 18-2147 shall not be used for the acquisition, planning, and preparation for development or disposal of undeveloped vacant land as described in subsection (1) of [§ 18-2123], nor shall undeveloped vacant land be declared or designated blighted and substandard to qualify for the use of tax-increment financing." LB 719, § 1. You have requested our opinion as to whether tax increment financing may currently be used for the acquisition, planning, and preparation for development of undeveloped vacant land authorized under § 18-2123, and, if so, whether use of tax increment financing for this purpose is consistent with Neb. Const. art. VIII, § 12.

At the outset, we note it is our long-standing policy not to provide opinions to members of the Legislature on the interpretation or constitutionality of existing statutes. Op. Att'y Gen. No. 157 (Dec. 24, 1985). Accordingly, we normally would decline to provide an opinion on the question presented. As you have proposed legislation which could be impacted by our conclusion, we will proceed to respond to your question.

A. Community Development and Tax Increment Financing ["TIF"]

The Community Development Law, Neb. Rev. Stat. §§ 18-2101 to 18-2144 (2012 and Cum. Supp. 2014) ["CDL"] generally "authorizes a city to define and acquire substandard or blighted areas and redevelop them in

accordance with an approved redevelopment plan which in turn shall conform to the general plan for the municipality as a whole." *Monarch Chemical Works, Inc. v. City of Omaha*, 203 Neb. 33, 36, 277 N.W.2d 423, 425 (1979). Cities or villages may create a division or department to function as a community development agency, or may establish a Community Redevelopment Authority ["CRA"] to prepare and carry out redevelopment plans for areas which have been declared substandard and blighted. Neb. Rev. Stat. §§ 18-2101.01, 18-2102 and 18-2102.01 (2012). After a redevelopment plan has been prepared and approved, a CRA may contract with redevelopers regarding the use of property for residential, commercial, industrial, or recreational purposes or other public purposes within a community development area in accordance with the redevelopment plan, and "provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with the redevelopment plan." Neb. Rev. Stat. § 18-2107(4) (2012). Section 18-2123 of the CDL provides:

Upon a determination, by resolution, of the governing body of the city in which such land is located, that the acquisition and development of undeveloped vacant land, not within a substandard or blighted area, is essential to the proper clearance or redevelopment of substandard or blighted areas or a necessary part of the general community redevelopment program of the city, or that the acquisition and development of land outside the city, but within a radius of three miles thereof, is necessary or convenient to the proper clearance or redevelopment of one or more substandard or blighted areas within the city or is a necessary adjunct to the general community redevelopment program of the city, the acquisition, planning, and preparation for development of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in the foregoing sections.

Redevelopment projects may be funded by the use of "Tax Increment Financing" ["TIF"], which allows the increased property taxes generated by the redevelopment to be used to finance the redevelopment. Neb. Rev. Stat. §§ 18-2147 to 18-2153 (2007); 350 N.A.C. § 18.001.01. After a redevelopment project is approved, the city or CRA may issue TIF bonds to finance the project. *See* Neb. Rev. Stat. § 18-2124(3) (2012). A redevelopment plan may provide that real property taxes in a redevelopment project shall be divided "for a period not to exceed fifteen years after the effective date of such provision. . . ." Neb. Rev. Stat. § 18-2147(1) (2012). Taxing entities can levy taxes on real property in the project on the redevelopment project valuation, also known as the base value, which means "the assessed valuation on the taxable property in a redevelopment project last certified to the political subdivisions in the year prior to the effective date of the provision authorizing the dividing of ad valorem tax pursuant to" Neb. Rev. Stat. §§ 18-2103(21) and 18-2147 (2012). 310 N.A.C. § 18.002.15. The portion of tax assessed on real property in the

redevelopment project in excess of the base value for the current year, the redevelopment project excess valuation, is accounted for separately and used to pay off the financing or debt incurred for the project for a period not to exceed fifteen years. Neb. Rev. Stat. § 18-1247(1)(b) (2012). Notice of the provision for dividing taxes must be sent by the city or CRA to the county assessor on or before August 1 in the calendar year that the division of real property taxes is to become effective. Neb. Rev. Stat. § 18-2147(3) (2012); 350 N.A.C. § 18.003.03.

B. Constitutional Authorization of TIF

In 1978, a constitutional amendment was presented to voters to approve authorizing cities and villages to issue bonds and other evidence of indebtedness to acquire and redevelop substandard and blighted property in a redevelopment project, and to pledge and apply to pay off such indebtedness all taxes levied on the value of real property in excess of the prior year's valuation on property in the project area for a period not to exceed fifteen years. 1978 Neb. Laws, LB 469, § 1. The amendment was adopted and became Neb. Const. art. VIII, § 12. In 1984, this provision was amended to allow cities and villages to incur indebtedness to rehabilitate substandard and blighted property, in addition to permitting acquisition and redevelopment. 1984 Neb. Laws, LR 227. An amendment altering the financing provisions relating to redevelopment of substandard and blighted property by further defining the project area was approved in 1988. 1987 Neb. Laws, LR 11. Neb. Const. art. VIII, § 12, currently provides as follows:

For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed fifteen years, on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.

C. Analysis

Section 18-2123 authorizes the acquisition, planning, and preparation for development of undeveloped vacant land as a redevelopment project where the land "is not within a substandard or blighted area." As Neb. Const. art. VIII, § 12, authorizes the use of TIF based "on the assessed valuation of the property in the project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to [] rehabilitation, acquisition, or redevelopment", the issue is whether TIF can be used in connection with the acquisition and development of undeveloped vacant land under § 18-2123 since such land is not within an area designated as "blighted and substandard."

The Nebraska Supreme Court has recognized the following general rules governing the interpretation of constitutional provisions:

The intent and understanding of [the] framers [of a constitutional provision] and the people who adopted it as expressed in the instrument is the main inquiry in construing it. . . . The words of a constitutional provision will be interpreted and understood in their most natural and obvious meaning unless the subject indicates or the text suggests they are used in a technical sense. The court may not supply any supposed omission, or add words to or take words from the provision as framed. It must be construed as a whole, and no part will be rejected as meaningless or surplusage, if it can be avoided. If the meaning is clear, the court will give to it the meaning that obviously would be accepted and understood by the layman. . . . It is permissible to consider the facts of history in determining the meaning of the language of the Constitution. . . . It is also appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy its terms imply.

State ex rel. Spire v. Beermann, 235 Neb. 384, 389-90, 455 N.W.2d 749, 752 (1990) (quoting *State ex rel. State Railway Comm'n v. Ramsey*, 151 Neb. 333, 340-41, 37 N.W.2d 502, 508 (1949) (citations omitted)).

As noted previously, art. VIII, § 12, was added to the Nebraska Constitution in 1978. As originally approved by the voters, the amendment provided that cities or villages could acquire and develop "substandard or blighted property" in a redevelopment project, and issue bonds or other evidence of indebtedness for the redevelopment to be repaid by property taxes on the assessed value of the property in excess of the assessed value for the year prior to acquisition and redevelopment for a period not to exceed fifteen years. 1978 Neb. Laws LB 469, § 1. A 1984 amendment, however, removed the word "or" between "substandard" and "blighted", replacing the word with "and". 1984 Neb. Laws LR 227, § 1. This is consistent with the CDL, which refers to development or redevelopment of

"substandard and blighted areas". See Neb. Rev. Stat. §§ 18-2102 (2012) (Declaring intent to allow cities and villages to renew "substandard and blighted areas"); 18-2103(20) (Cum. Supp. 2014) (Defining community redevelopment area as "a substandard and blighted area which the community redevelopment authority designates as appropriate for a renewal project"); 18-2107(4) (2012) (Granting CRAs various powers to rehabilitate or redevelop "substandard and blighted areas"); 18-2109 (2012) (Requiring redevelopment project area be designated as a "substandard and blighted area" prior to preparation of a redevelopment plan.).¹ The plain language of both art. VIII, § 12, and the CDL, requires limiting the use of TIF to fund redevelopment projects only if they are included in an area designated as "substandard and blighted". Accordingly, on its face, the use of TIF for the acquisition, planning, and preparation for development of undeveloped vacant land that is not within a substandard and blighted area under § 18-2123 would appear to be inconsistent with art. VIII, § 12.

In analyzing this question, however, it is necessary to consider the impact of the Nebraska Supreme Court's decision in *Fitzke v. City of Hastings*, 255 Neb. 46, 582 N.W.2d 301 (1998) [*Fitzke*]. In *Fitzke*, owners of property located near an area within the City of Hastings ["City"] challenged the City's determination that undeveloped agricultural land added to an existing redevelopment area was blighted and substandard, and granting the use of TIF for development of a campground on the land. Based on a "Blight and Substandard Determination Study" prepared by a consultant retained by the City's CRA, the City declared a portion of the City [Area 7] "blighted and substandard" and approved a redevelopment plan for the area. 255 Neb. at 48, 582 N.W.2d at 305. City officials were approached by a person with a plan to develop a campground on an undeveloped parcel of property in the northern part of the City which was being used as a cornfield. The proposed campground site was located outside of Area 7. *Id.* The consulting firm that performed the original blighted and substandard study for Area 7 could not conclude that the additional land met such criteria, but recommended it be included in Area 7. The City Council approved a resolution to add the land and "declare the expanded Area 7 as blighted and/or substandard." *Id.* at 49, 582 N.W.2d at 305. The CRA modified the Area 7 redevelopment plan to provide for development of a campground in the area added by the resolution, and, as an incentive, approved a grant to the developer to be repaid through TIF. *Id.* at 50, 582 N.W.2d at 305. The CRA then entered into a redevelopment contract for construction of the campground. *Id.*, 582 N.W.2d at 306.

The *Fitzke*'s and other owners of property near the proposed campground challenged the legality of including the campground site in Area 7, and the

¹ The terms "Substandard areas" and "Blighted area" are defined, respectively, in Neb. Rev. Stat. § 18-2103(10) and (11) (Cum. Supp. 2014).

grant of TIF. *Id.* at 50-51, 582 N.W.2d at 306. The trial court found the addition of land to Area 7 was improper because "[l]and may not be added to an existing redevelopment area unless it is established that the additional land is itself blighted or substandard." *Id.* at 51, 582 N.W.2d at 306. The trial court further determined that, "[u]nless necessary to relieve blight or substandard conditions on a specific site the mere incorporation of land into a redevelopment area is not sufficient to qualify the land for a blight or substandard designation...", and that there was "no showing that the proposed development would eliminate any identifiable blight or substandard condition." *Id.* Ultimately, the trial court concluded that the blighted and substandard designation of the expanded Area 7 was "contrary to the specific limitations of the relevant statutes of the State of Nebraska and [was] invalid...", and rescinded the redevelopment contract, declaring it "void from its inception." *Id.*

On appeal, the Nebraska Supreme Court addressed the propriety of the trial court's finding that the blighted and substandard designation was invalid, and its determination that the redevelopment contract and grant of TIF were therefore void. Discussing the CDL generally, the court recognized that "statutes similar to the CDL have been interpreted as applying to areas rather than individual properties, and courts have refused to invalidate blight determinations with respect to an area merely because a single parcel within the area would not be considered blighted if viewed in isolation." 255 Neb. at 58, 582 N.W.2d at 310. Indeed, the court recognized it "acknowledged this 'area rule' in" a prior case. *Id.* (citing *Monarch Chemical Works, Inc. v. City of Omaha*, 203 Neb. 33, 41, 277 N.W.2d 423, 428 (1979)).

Noting it was "undisputed" that the land which included the proposed campground site "consisted of undeveloped land used exclusively as a cornfield prior to its incorporation in Area 7...", and that the CRA's "consultant was unable to state that this parcel was itself blighted or substandard within the meaning of the CDL...", the court found that, "in light of the area rule", it "disagreed with the conclusion of the district court that land may not be added to an existing redevelopment area unless the additional land is itself blighted or substandard." *Id.* at 59-60, 582 N.W.2d at 310-11. The court stated that "[t]he CDL does not specifically address the question of the incorporation of territory into an existing community development area which has previously been declared blighted or substandard." *Id.* at 59, 582 N.W.2d at 311. Prior to addressing this question, the court discussed various provisions of the CDL, including: (1) identification of a community development area declared to be substandard and blighted; (2) formulation of a redevelopment plan for the area; and (3) implementation of the redevelopment by means such as acquisition, sale, leasing, and contracting for redevelopment. *Id.* at 60, 582 N.W.2d at 311. Included in the court's discussion was reference to § 18-2123, which it stated "provides that undeveloped and vacant land situated within a city but not within a substandard or blighted area may not constitute a

redevelopment project under the CDL unless the governing body of the city first determines by resolution that such land 'is essential to the proper clearance or redevelopment of substandard or blighted areas or is a necessary part of the general community redevelopment program of the city.'" *Id.* at 61, 582 N.W.2d at 311.

Following this discussion of the CDL, the court stated:

Under this statutory scheme, a private development project would be eligible for tax increment financing only if it is included within an area which has previously been declared blighted or substandard and is in furtherance of an existing redevelopment plan for that area. The declaration of property as blighted or substandard is not simply a formality which must be met in order to assist a private developer with tax increment financing; it is the recognition of a specific public purpose which justifies the expenditure of public funds for redevelopment....If a private development project is ineligible for tax increment financing because it is located on land which is not blighted or substandard within the meaning of the CDL, it logically follows that eligibility could not be created by simply incorporating the project site into an adjacent area which has been declared blighted or substandard and revising the redevelopment plan for that area to include the project. Such a result would be contrary to the legislative intent underlying the CDL, which is to eliminate blighted and substandard urban areas through a cooperative effort of the public and private sectors, not to aid private developers. We therefore hold that under the CDL, land cannot be added to an existing community redevelopment area unless (1) the additional land is declared blighted or substandard within the meaning of the CDL *or* (2) the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan. *Id.* at 61, 582 N.W.2d at 311-12 (citations omitted) (emphasis in original).

Applying this test, the court noted it was undisputed that the land which included the campground site "was not itself blighted or substandard within the meaning of the CDL...", and that the district court found there was "no showing that the proposed development would eliminate any identifiable blight or substandard condition" of Area 7. *Id.* at 62, 582 N.W.2d at 312. The record also did not show "that the incorporation of this tract into Area 7 was reasonably necessary to carry out the redevelopment plan for Area 7...." Further, "the record contain[ed] no facts establishing that the development of the campground was necessary for the elimination of blight and substandard conditions in the original Area 7, pursuant to the original redevelopment plan." *Id.* In view of these facts, the court concluded that, "[w]hile construction and operation of the campground may have been a desirable economic development for Hastings, this factor alone [did] not justify incorporating the campground site into an existing redevelopment area to permit the use of tax increment financing as an incentive to the developer." *Id.* The court thus affirmed the district court's finding that the

expansion of Area 7 to include the campground was arbitrary and not supported by the evidence, and its determination that the redevelopment contract authorizing the TIF grant "was invalid and void ab initio." *Id.*

Fitzke establishes that undeveloped land may be added to a redevelopment area if it is either declared "blighted and substandard" or is "reasonably necessary to accomplish" implementation of an existing redevelopment plan. Section 18-2123 authorizes the governing body of a city to acquire and develop undeveloped vacant land within the city, even though it is not in a substandard or blighted area, if the governing body determines by resolution that it "is essential to the proper clearance or redevelopment of substandard or blighted areas or a necessary part of the general community development program of the city...." The requirement that the acquisition or development of the undeveloped vacant land be "essential" to redevelopment or "a necessary part" of the city's community development program is akin to the test announced by the court in *Fitzke*, which recognizes that, if undeveloped land is not itself substandard and blighted, it can be included in a redevelopment area (and thus be eligible for TIF) if it is "reasonably necessary" to implementation of an existing redevelopment plan.² Accordingly, the use of TIF for the purposes set out in § 18-2123 may be deemed proper for undeveloped vacant land which is not within a substandard and blighted area, provided the land is "essential" to redevelopment of substandard or blighted areas or a "necessary part" of the community redevelopment program.³

CONCLUSION

Neb. Const. art. VIII, § 12, authorizes the use of TIF "for the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project" within "a designated blighted and substandard

² Of course, if undeveloped vacant land is within a substandard and blighted area, § 18-2123 is not applicable. Also, if undeveloped vacant land is declared substandard and blighted under § 18-2109 as part of a redevelopment plan for a redevelopment project area, the TIF authorization contained in § 18-2147 would apply. We express no opinion as to whether undeveloped or vacant land may be declared substandard and blighted.

³ Section 18-2123 also authorizes "the acquisition and development of land outside the city, but within a radius of three miles thereof, [which] is necessary or convenient to the proper clearance or redevelopment of one or more substandard or blighted areas within the city or is a necessary adjunct to the general community redevelopment program of the city...." Given the similar "necessity" requirement for the acquisition and development of land outside the city limits in this portion of the statute, this presumably also authorize the use of TIF in connection land acquired for these purposes.

area." As § 18-2123 relates to acquisition or development of undeveloped vacant land which is "not within a substandard or blighted area", applying the literal language of art. VIII, § 12, appears to foreclose the use of TIF in relation to the acquisition, planning, and preparation for development of such land as a redevelopment project. In *Fitzke*, however, the Nebraska Supreme Court held that, under the CDL, land cannot be added to an existing community redevelopment area and qualify for TIF unless "(1) the additional land is declared blighted or substandard within the meaning of the CDL or (2) the additional land is reasonably necessary to accomplish the implementation of the existing redevelopment plan." 255 Neb. at 61, 582 N.W.2d at 312 (emphasis in original). The requirement in § 18-2123 that the acquisition or development of the undeveloped vacant land be "essential" to redevelopment or "a necessary part" of the city's community development program is akin to the test announced by the court in *Fitzke* recognizing that, if undeveloped land is not itself substandard and blighted, it can be included in a redevelopment area (and thus be eligible for TIF) if it is "reasonably necessary" to implementation of an existing redevelopment plan. Accordingly, despite the "substandard and blighted" requirement in art. VIII, § 12, the *Fitzke* decision indicates that the use of TIF for the purposes set out in § 18-2123 may be proper for undeveloped vacant land which is not within a substandard and blighted area, provided the land is "essential" to redevelopment of substandard and blighted areas or a "necessary part" of the community redevelopment program. As the question of whether TIF may be used in connection with the acquisition, planning, preparation, and development of undeveloped vacant land under § 13-2123 is not certain, you may wish to pursue clarifying legislation.⁴

Very truly yours,
Douglas J. Peterson
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

07-1062-29

⁴ LB 719, of course, is not limited to amending § 18-2123 to provide that TIF may not be used for the acquisition, planning, and preparation for development of undeveloped vacant land under the limited circumstances set out in that statute. It would, in addition, provide that no undeveloped vacant land can "be declared or designated blighted and substandard to qualify for the use of" TIF.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

COMMUNICATION(S)

Received a copy of Senate Joint Resolution 4, Sections 3 and 8, from the state of Oklahoma calling for a convention of the states under Article V of the United States Constitution for the purpose of proposing amendments to the United States Constitution related to balancing the federal budget, imposing fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office for its officials and for members of Congress.

**2016 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
498	Study Nebraska Right to Farm Act		X	
535	Study means to assist livestock producers marketing in direct and regional markets			X
536	Study to investigate means to reduce conflict between pesticide use and sensitive crops	X		
537	Study animal ID authorities of the Department of Agriculture			X
569	Study means to fund a grant program authorized under the Livestock Growth Act			X
570	Study Activities of the Department of Agriculture with respect to an ag promotion and development program authorized by §2-3815			X
573	Study to examine the history and current commercial activity with respect to industrial hemp			X
595	Study to examine food deserts		X	

598	Study to examine copyright barriers to ownership privileges and provision of repair services for ag machinery and equipment and other consumer items			X
612	Study issues within the jurisdiction of the Agriculture Committee (Nebraska Brand Committee)		X	

Appropriations

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
502	Interim study to examine the use of revolving funds within the Dept. of Administrative Services	X		
509	Interim study to examine the funding history, programs, and services offered by the Cooperative Extension Service of the University of Nebraska			X
517	Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund	X		
552	Interim study to develop a plan to address funding and budgetary issues relating to climate change		X	
577	Interim study to examine issues under the jurisdiction of the Appropriations Committee		X	
580	Interim study to examine the Dept. of Health and Human Services' policies for dealing with disallowances and audit exceptions by the federal government which have resulted in large fines and having to return money to the federal government		X	
588	Interim study to determine best practices in drafting tax legislation and determining the fiscal impact of tax policies		X	

Banking, Commerce and Insurance

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
430	Interim study to examine whether the Nebraska Banking Act should be updated		X	
431	Interim study to examine whether the Securities Act of Nebraska should be updated		X	
493	Interim study to examine whether the Nebraska Appraisal Management Company Registration Act should be updated		X	
508	Interim study to examine possible changes to the Nebraska Model Business Corporation Act		X	
521	Interim study to examine the business practices of pharmacy benefit managers as those practices relate to such managers' arrangements with private entities, insurers, pharmacies, and the State of Nebraska			X
554	Interim study to examine information regarding air ambulance costs			X
591	Interim study to examine and make recommendations on improving health care coverage plans available to Nebraska small businesses with fifty or less employees			X

Business and Labor

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
512	Interim study to examine the Commission of Industrial Relations		Hearing held Oct. 21, 2016	
520	Interim study to provide a review of the administration and enforcement of the Employee Classification Act by the Dept. of Labor			X

533	Interim study to examine promoting career education and training that can lead to job readiness for middle-skill jobs		Hearing held Oct. 21, 2016	
556	Interim study to examine the conveyances currently covered by the Conveyance Safety Act			X

Education

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
587	Interim study to examine the issues within the jurisdiction of the Education Committee		X	
564	Interim study to examine education in Nebraska		X	
586	Interim study to examine the effects of transferring public school employees from the system of district-based health insurance plans to the Nebraska State Insurance Program		X	
559	Interim study to examine the feasibility and impact of implementing the Civics Education Initiative in Nebraska through legislation or in partnership with the State Board of Education			X
581	Interim study to examine the positive and negative effects of federal education funding if Nebraska would choose not to accept federal funds that are tied to federal mandates			X

General Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
541	Interim study to examine the economic benefits of keno		X	
542	Interim study to examine the issues within the jurisdiction of the General Affairs Committee		X	

567	Interim study to examine and review the sale of alcohol in Whiteclay and the need for additional funding for law enforcement		X	
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Government, Military and Veterans Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
504	Interim study to examine the numerous deadlines involved in the election process		X	
530	Interim study to examine the voting processes and procedures available for citizens who are hospitalized or who reside in nursing homes or extended care facilities		X	
557	Interim study to examine what actions the State of Nebraska needs to take to meet the United States Department of Defense's mandates regarding energy and renewable resources		X	
558	Interim study to evaluate the governance structure of the Nebraska Educational Telecommunications Commission		X	
583	Interim study to examine administrative law judges in Nebraska		X	
596	Interim study to examine issues within the jurisdiction of the Government, Military & Veterans Affairs Committee		X	
597	Interim study to examine financing mechanisms available to various political subdivisions to issue bonds or assume future payment obligations without a direct vote of taxpayers		X	

Health and Human Services

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
397	Interim study to monitor the health care transformation in Nebraska			X
412	Interim study to improve communication access for movie theaters in Nebraska to ensure all persons can fully experience the movie theater experience			X
415	Urge the Nebraska congressional delegation to support and co-sponsor Senate Bill 1989 entitled Primary Care Enhancement Act of 2015			X
463	Interim study to examine ways to improve the coverage of hearing aid costs for Nebraska families			X
499	Interim study to examine any issues within the jurisdiction of the Health and Human Services Committee		X	
507	Interim study to examine the development of a public notification system to broadcast alerts when vulnerable adults go missing		X	
510	Interim study to examine how to best integrate palliative care into the overall medical care structure of our health care system			X
513	Interim study to examine workforce issues within the child welfare and juvenile justice systems		X	
514	Interim study to examine the availability of transition services for youth who will leave or have left the juvenile justice system while in an out-of-home placement	X		

522	Interim study to examine the issue of how to best educate the public and create awareness about the risks associated with sun exposure and ultraviolet radiation exposure			X
523	Interim study to examine Nebraska law regarding the protection of children who have reached eighteen years of age but have not yet reached the age of majority		X	
529	Interim study to examine the ongoing implementation of the federal Preventing Sex Trafficking and Strengthening Families Act of 2014 and related state law and policy		X	
544	Interim study to examine the alternative response demonstration projects created in LB 853, 2014			X
545	Interim study to examine medicaid and the Children's Health Insurance Program, with an emphasis on children that are eligible but unenrolled in these programs			X
548	Interim study to examine issues surrounding youth tobacco use			X
551	Interim study to explore and assess the use of congregate care in Nebraska for youth in the child welfare and juvenile justice systems			X
553	Interim study to examine issues surrounding the Medicaid Reform Council			X
572	Interim study to examine issues surrounding the Division of Veterans' Homes of the Dept. of Health and Human Services and wait times for admission to the veterans' homes system			X
574	Interim study to examine aspects of Nebraska's medicaid program that include share of cost or resource spend down components			X

575	Interim study to continue the ongoing study of access to healthcare in Nebraska			X
582	Interim study to examine how, through better coordination of health services, the state can better assist low-income individuals currently without insurance			X
590	Interim study to examine options to offer incentives to health care professionals who provide free care and services to qualified recipients			X
602	Interim study to examine existing barriers to the delivery of health care services through telehealth technologies in Nebraska			X
603	Interim study to examine the issues faced by residents of mobile home communities			X

Judiciary

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
506	Interim study to examine the efficacy of testing and monitoring programs, particularly the 24/7 sobriety program, in reducing recidivism for driving under the influence and controlled substance offenses		X	
518	Interim study to review issues surrounding child custody proceedings and parenting time determinations as they pertain to families of divorce			X
525	Interim study to examine issues associated with treating an individual licensed under the Nebr. Real Estate License Act as a professional for purposes of civil actions for professional negligence			X

527	Interim study to examine possible legislative reforms to Nebraska's mandatory minimum sentencing laws			X
532	Interim study to evaluate the effectiveness and success of the Office of Violence Prevention			X
543	Interim study to examine possible legislative reforms to Nebraska laws relating to birth certificates			X
546	Interim study to examine whether Nebraska's occupational licensing boards are exposed to liability under antitrust laws			X
549	Interim study to examine issues relating to utilization of the U visa program in Nebraska			X
550	Interim study to examine the feasibility of creating a common data collection site for county jail information necessary to receive funding under the County Justice Reinvestment Grant Program		X	
560	Interim study to examine the origins and utility of using court fees as a source of funding in Nebraska			X
561	Interim study to examine the effectiveness, economic stability, and long-term viability of the Youth Rehabilitation and Treatment Center in Kearney and the Youth Rehabilitation and Treatment Center in Geneva		X	
566	Interim study to examine the availability of education, rehabilitation, and reentry support for incarcerated men and women		X	
568	Interim study to examine the membership, role, and duties of the Nebraska Police Standards Advisory Council			X
576	Interim study to examine children's access to legal counsel in juvenile proceedings across the state of Nebraska			X
578	Interim study to examine the Developmental Disabilities Court-Ordered Custody Act			X

584	Interim study to examine the possibility of providing direct and statewide funding for legal representation in order to provide more equitable access to civil justice in Nebraska			X
589	Interim study to examine issues within the jurisdiction of the Judiciary Committee			X

Natural Resources

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
402	Interim study to examine issues surrounding the blending of various fuels in Nebraska and the impact of right to blend laws in other states			X
579	Interim study to examine issues relating to solar energy development		X	

Nebraska Retirement Systems

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
483	Examine public employees' retirement systems administered by the Public Employees Retirement Board		X	
534	Examine whether the state can divest from fossil fuels and invest in clean energy consistent with fiduciary obligations			X
571	Examine local political subdivision retirement plans	X		

Revenue

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
511	Examine Existing Law on Remote Sales Tax Collection	X		
555	Study Process and Procedures of Appeals Before the TERC	X		
604	Examine Inconsistencies in Determining Ag Land Value		X	

600	Examine Alternatives for Valuing Ag Land		X	
563	Examine Substantial Tax Rates on Wireless Phone Service		X	
562	Examine Why Legislative Bills 20, 357 & 454 Failed to Pass the Legislature		X	
452	Establish Study Group to Examine Issues of the Need to Provide Financial Assistance for Home Accessibility Modifications for People with Disabilities Including Elderly		X	
592	Examine All Types of Income Taxation		X	
593	Examine Property Taxes		X	
594	Examine Sales, Use and Miscellaneous Taxes		X	

Transportation and Telecommunications

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
538	Telecommunications Services in Nebraska Legislature		X	
519	Study Update of the One-Call Notification Act		X	
539	Jurisdiction and Structure of the Nebraska Public Service Commission		X	
599	Review the Rate Review Processed Currently Conducted by the Nebraska Public Service Commission		X	

Urban Affairs

LR	Subject	Completed Report Issued	Completed No Report Issued	Deferred
439	Interim study to examine the use of tax-increment financing by municipalities for residential development		X	
464	Interim study to examine the effects of the use of tax-increment financing by municipalities			X

489	Interim study to examine issues relating to housing authorities		X	
490	Interim study to examine the enforcement of state and local building codes		X	
495	Interim study to examine state law governing cities of the second class and villages in Chapter 17 of the Nebraska statutes		X	
496	Interim study to examine issues within the jurisdiction of the Urban Affairs Committee			X
526	Interim study to examine municipal classifications		X	
565	Interim study to examine land acquisition within municipalities for educational purposes			X
605	Interim study to examine issues relating to urban redevelopment			X

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1333, Reissue Revised Statutes of Nebraska, and section 66-1345, Revised Statutes Cumulative Supplement, 2016; to eliminate defined terms; to repeal obsolete provisions relating to the Ethanol Production Incentive Cash Fund and a corn and grain sorghum excise tax; to eliminate a penalty; to repeal the original sections; and to outright repeal section 66-1345.03, Reissue Revised Statutes of Nebraska, and sections 66-1345.01, 66-1345.02, and 66-1345.04, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 2. Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to agriculture; to amend section 54-857, Revised Statutes Cumulative Supplement, 2016; to eliminate an obsolete provision relating to a report on dairy production and processing; to harmonize provisions; to repeal the original section; and to outright repeal section 2-3993, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 3. Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to the Communications Cash Fund; to amend section 81-1120.22, Reissue Revised Statutes of Nebraska; to repeal provisions that terminated July 31, 2011; to harmonize provisions; to repeal the original section; and to outright repeal section 81-1120.23, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 4. Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to the Medical Home Pilot Program Act; to repeal provisions that terminated June 30, 2014; and to outright repeal sections 68-957, 68-958, 68-960, and 68-961, Reissue Revised Statutes of Nebraska, and section 68-959, Revised Statutes Cumulative Supplement, 2016.

LEGISLATIVE BILL 5. Introduced by Executive Board: Watermeier, 1, Chairperson.

A BILL FOR AN ACT relating to the Small Business Innovation Act; to repeal provisions that terminated December 31, 2014; and to outright repeal sections 81-12,136, 81-12,137, 81-12,138, 81-12,139, 81-12,140, 81-12,141, 81-12,142, and 81-12,143, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 6. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Office of the Inspector General of Nebraska Child Welfare Act; to amend section 43-4325, Reissue Revised Statutes of Nebraska; to provide for release of a summarized final report as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 7. Introduced by Krist, 10.

A BILL FOR AN ACT relating to jails and correctional facilities; to amend section 47-706, Revised Statutes Cumulative Supplement, 2016; to provide for suspension of medical assistance for detainees in public institutions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 8. Introduced by Krist, 10.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-253, 43-286, and 43-286.01, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to juvenile detention and probation; to provide for graduated response sanctions and incentives as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 9. Introduced by Krist, 10.

A BILL FOR AN ACT relating to radon; to adopt the Radon Resistant New Construction Act; and to create a task force.

LEGISLATIVE BILL 10. Introduced by Krist, 10.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to increase the number of judges of the separate juvenile court as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 11. Introduced by Krist, 10.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-1816 and 43-274, Reissue Revised Statutes of Nebraska; to change provisions relating to transfer of juvenile cases; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 12. Introduced by Krist, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3510 and 77-3514, Revised Statutes Cumulative Supplement, 2016; to change homestead exemption requirements relating to income statements and certifications of status; and to repeal the original sections.

LEGISLATIVE BILL 13. Introduced by Krist, 10.

A BILL FOR AN ACT relating to state government; to amend sections 60-1404, 72-723, 72-2210, 72-2213, 80-401.11, 81-1108.36, and 81-1108.38, Reissue Revised Statutes of Nebraska, and section 3-106, Revised Statutes Cumulative Supplement, 2016; to change provisions regarding office space and state property; to provide and change duties for the Nebraska Capitol Commission and the Office of the Nebraska Capitol Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 14. Introduced by Krist, 10.

A BILL FOR AN ACT relating to education; to state intent; and to provide for successful completion of a civics test as a prerequisite to high school graduation as prescribed.

LEGISLATIVE BILL 15. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to adopt the First-Time Home Buyer Savings Account Act; to provide for income tax adjustments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 16. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend sections 81-885.13, 81-885.17, 81-885.19, and 81-885.21, Reissue Revised Statutes of Nebraska, and section 81-885.24, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to applications for licenses and display and verification of licenses; to provide for rules and regulations relating to broker trust accounts; to provide an unfair trade practice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 17. Introduced by Craighead, 6.

A BILL FOR AN ACT relating to real property; to amend sections 76-2228.02, 76-3201, 76-3202, 76-3203, 76-3204, 76-3205, 76-3206, 76-3207, 76-3208, 76-3210, 76-3212, 76-3213, 76-3214, 76-3215, 76-3216, and 76-3217, Revised Statutes Cumulative Supplement, 2016; to change and eliminate provisions relating to the Real Property Appraiser Act and the Nebraska Appraisal Management Company Registration Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 18. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend sections 38-1101, 38-1102, 38-1107, 38-1116, 38-1119, 38-1121, 38-1130, 38-1131, 38-1132, 38-1135, and 38-1136, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to dental assistants and licensed dental hygienists; to provide for licensed dental assistants, expanded function dental assistants, and expanded function dental hygienists; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 19. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to acupuncture; to amend section 38-2058, Reissue Revised Statutes of Nebraska; to change requirements for the practice of acupuncture; and to repeal the original section.

LEGISLATIVE BILL 20. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3508, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to homestead exemption certifications; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 21. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1439.01, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to primary and secondary motor vehicle insurance

coverage for loaned vehicles; and to repeal the original section.

LEGISLATIVE BILL 22. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2015, LB259A, section 2; Laws 2015, LB469A, section 1; Laws 2015, LB605A, section 8; Laws 2015, LB657, sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 25, 26, 27, 28, 29, 32, 34, 38, 39, 44, 51, 53, 54, 55, 56, 58, 67, 68, 71, 80, 83, 84, 85, 90, 94, 95, 97, 99, 100, 101, 107, 108, 112, 113, 114, 119, 126, 127, 129, 131, 133, 134, 136, 137, 138, 139, 140, 145, 150, 152, 153, 154, 155, 163, 166, 167, 169, 171, 174, 175, 178, 179, 188, 191, 192, 194, 195, 202, 204, 211, 213, 216, 218, 219, 221, 223, 224, 226, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 244, 245, 246, 247, 249, 256, and 260; Laws 2015, LB659, sections 7, 15, and 17; Laws 2015, LB660, sections 35 and 40; Laws 2016, LB956, sections 7, 10, 39, 41, 42, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 61, 62, 63, 65, 66, and 67; and Laws 2016, LB1038A, section 1; to define terms; to provide, change, and eliminate provisions relating to appropriations; to reduce appropriations; to state intent; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 23. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 12-1301, 19-102, 19-103, 24-231, 29-3921, 60-3,218, 68-940.01, 71-7450, 81-179, 81-638, 81-885.15, 81-1558, 85-1414.01, and Reissue Revised Statutes of Nebraska, sections 2-1222, 60-1409, 66-204, and 85-1414.01, Revised Statutes Cumulative Supplement, 2016, and Laws 2015, LB661, section 4; to provide for transfers of funds; to harmonize provisions; to terminate funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 24. Introduced by Speaker Scheer, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Cumulative Supplement, 2016; to provide for a transfer; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 25. Introduced by Murante, 49.

A BILL FOR AN ACT relating to presidential electors; to amend sections 32-710, 32-713, 32-714, and 32-1038, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the original sections.

LEGISLATIVE BILL 26. Introduced by Murante, 49.

A BILL FOR AN ACT relating to harassment protection orders; to amend section 28-311.09, Reissue Revised Statutes of Nebraska; to change service requirements for such orders; and to repeal the original section.

LEGISLATIVE BILL 27. Introduced by Murante, 49.

A BILL FOR AN ACT relating to state and local government; to amend sections 81-1118, 81-1348, and 84-321, Reissue Revised Statutes of Nebraska, and sections 13-513, 73-506, 84-304, and 84-311, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Nebraska Budget Act; to provide for late fees and remedial fees; to change provisions relating to the duration of certain state agency contracts and membership of the Suggestion Award Board; to authorize additional assistant deputies for and sharing of working papers by the Auditor of Public Accounts; to provide the rate of interest on and liability for certain delinquent payments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 28. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend section 72-1263, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the amount of funds offered to banks and other financial institutions as deposits; and to repeal the original section.

LEGISLATIVE BILL 29. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Cash Fund; to amend sections 72-1249 and 79-9,115, Revised Statutes Cumulative Supplement, 2016; to eliminate the fund; to change a provision relating to expenses charged to the Class V School Employees Retirement Fund; and to repeal the original sections.

LEGISLATIVE BILL 30. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to retirement; to provide for a cash balance benefit plan by cities of the metropolitan class and primary class for certain police officers or firefighters as prescribed; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 31. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to school retirement plans; to amend sections 79-933.08 and 79-958, Reissue Revised Statutes of Nebraska, and sections 79-902 and 79-978, Revised Statutes Cumulative Supplement, 2016; to redefine terms; to change provisions relating to the purchase of service credit within twelve months of retirement; to harmonize provisions;

to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 32. Introduced by Kolterman, 24; Watermeier, 1.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2334 and 84-1319, Reissue Revised Statutes of Nebraska, and section 23-2317, Revised Statutes Cumulative Supplement, 2016; to eliminate a duty of the Public Employees Retirement Board to provide tax information to county and state employees; to change provisions relating to prior service retirement benefit payments under the County Employees Retirement Act; and to repeal the original sections.

LEGISLATIVE BILL 33. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to vital statistics; to amend section 71-612, Revised Statutes Cumulative Supplement, 2016; to change fees for multiple copies of death certificates; and to repeal the original section.

LEGISLATIVE BILL 34. Introduced by Ebke, 32.

A BILL FOR AN ACT relating to elections; to amend section 32-610, Reissue Revised Statutes of Nebraska; to change filing provisions relating to partisan candidates; and to repeal the original section.

LEGISLATIVE BILL 35. Introduced by Harr, 8.

A BILL FOR AN ACT relating to corporations; to amend sections 21-201, 21-214, 21-217, 21-220, 21-254, 21-255, 21-264, 21-265, 21-266, 21-271, 21-275, 21-283, 21-285, 21-2,103, 21-2,113, 21-2,114, 21-2,120, 21-2,123, 21-2,124, 21-2,171, 21-2,172, 21-2,173, 21-2,197, 21-2,201, and 21-2,222, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Nebraska Model Business Corporation Act; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 36. Introduced by Harr, 8.

A BILL FOR AN ACT relating to state agencies; to amend section 84-920, Revised Statutes Cumulative Supplement, 2016; to change provisions of the Administrative Procedure Act; to provide for review by agencies of occupational credentials as prescribed; to provide for a critical assessment document; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 37. Introduced by Harr, 8.

A BILL FOR AN ACT relating to garnishment; to amend sections 25-1056, 25-1552, 36-213, and 43-3334, Reissue Revised Statutes of Nebraska; to adopt the Uniform Wage Garnishment Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal section 25-1558, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 38. Introduced by Harr, 8.

A BILL FOR AN ACT relating to the register of deeds; to amend section 23-1503.01, Reissue Revised Statutes of Nebraska; to authorize digital or electronic signatures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 39. Introduced by Harr, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 29-820, Reissue Revised Statutes of Nebraska; to prohibit the purchase, sale, offer for sale, trade, or barter of ivory as prescribed; to define a term; to provide a penalty; to provide for the disposition of ivory seized as contraband; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 40. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to school transportation; to amend section 79-609, Reissue Revised Statutes of Nebraska; to prohibit use of an interactive wireless communication device by a school bus operator as prescribed; and to repeal the original section.

LEGISLATIVE BILL 41. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,268, Revised Statutes Cumulative Supplement, 2016; to change child passenger restraint system enforcement from a secondary offense to a primary offense; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265, 60-6,267, and 71-1907, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to occupant protection systems for children; to adopt certain federal safety provisions; and to repeal the original sections.

LEGISLATIVE BILL 43. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-435, 86-457, and 86-903, Reissue Revised Statutes of Nebraska; to change provisions relating to surcharges for 911 service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 44. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Remote Seller Sales Tax Collection Act; and to declare an emergency.

LEGISLATIVE BILL 45. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 80-414, Reissue Revised Statutes of Nebraska, and sections 60-3,122.03 and 60-3,122.04, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to Military Honor Plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 46. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 43-1906, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,130.04, Revised Statutes Cumulative Supplement, 2016; to provide additional funding for the Nebraska Child Abuse Prevention Fund; to provide for Choose Life License Plates; to change provisions relating to personalized message license plates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 47. Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to county government; to amend sections 23-1822, 33-138, 33-139, and 48-135, Reissue Revised Statutes of Nebraska; to change provisions relating to the payment of fees and costs associated with grand juries and the deaths of incarcerated persons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 48. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2016; to provide an income tax adjustment relating to certain gains on the sale of real estate; and to repeal the original section.

LEGISLATIVE BILL 49. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2714, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Cumulative Supplement, 2016; to provide for the treatment of certain amendments to the Internal Revenue Code; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 50. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to behavioral health services; to amend section 71-801, Revised Statutes Cumulative Supplement, 2016; to provide duties for the Division of Behavioral Health of the Department of Health and Human Services and the regional governing authorities; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 51. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1859, Reissue Revised Statutes of Nebraska, and sections 19-5217, 77-1807, 77-1812, 77-1824, 77-1825, and 77-1831, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to sales of real property for nonpayment of taxes; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 52. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Modern Tax Act; to impose a tax on the interest paid on certain loans; and to provide an operative date.

LEGISLATIVE BILL 53. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105 and 29-2221, Reissue Revised Statutes of Nebraska; to change provisions relating to mandatory minimum sentencing and sentencing of habitual criminals; to provide for three-judge panel sentencing hearings as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 54. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,168, Reissue Revised Statutes of Nebraska; to change provisions relating to unattended motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 55. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to county roads maintenance; to amend section 39-1811, Reissue Revised Statutes of Nebraska; to change a provision relating to the frequency of the mowing of weeds by landowners; and to repeal the original section.

LEGISLATIVE BILL 56. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to accountants; to amend section 1-136.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to experience requirements for issuance of a permit; and to repeal the original section.

LEGISLATIVE BILL 57. Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to unsworn declarations; to amend sections 28-915 and 28-915.01, Reissue Revised Statutes of Nebraska; to adopt the Uniform Unsworn Foreign Declarations Act; to change provisions relating

to perjury; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 58. Introduced by Kintner, 2; Brasch, 16; Erdman, 47.

A BILL FOR AN ACT relating to schools; to amend section 79-2,136, Reissue Revised Statutes of Nebraska; to change provisions relating to participation in school-sponsored extracurricular activities; and to repeal the original section.

LEGISLATIVE BILL 59. Introduced by Kintner, 2; Brasch, 16; Brewer, 43; Erdman, 47.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-401, Revised Statutes Cumulative Supplement, 2016; to require the Department of Health and Human Services and health care facilities to provide information regarding abortion; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 60. Introduced by Lindstrom, 18; Friesen, 34; Groene, 42.

A BILL FOR AN ACT relating to the Parenting Act; to amend section 43-2933, Reissue Revised Statutes of Nebraska; to change provisions relating to limitation or denial of custody or access to a child; and to repeal the original section.

LEGISLATIVE BILL 61. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to health care; to amend sections 38-2028 and 38-2034, Reissue Revised Statutes of Nebraska; to adopt the Interstate Medical Licensure Compact; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 62. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to schools; to eliminate provisions prohibiting the wearing of religious garb by teachers in public schools; to eliminate penalties; to harmonize provisions; and to outright repeal sections 79-898 and 79-899, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 63. Introduced by Scheer, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.10, Revised Statutes Cumulative Supplement, 2016; to eliminate a sales and use tax exemption relating to political events; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 64. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Adrenal Insufficiency Diagnosis Information and Support Act.

LEGISLATIVE BILL 65. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to provide income tax credits for caregivers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Hansen, 26.

A BILL FOR AN ACT relating to the Uninsured and Underinsured Motorist Insurance Coverage Act; to amend sections 44-6410 and 44-6411, Reissue Revised Statutes of Nebraska; to change provisions relating to stacking of coverage; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 67. Introduced by Brasch, 16; Brewer, 43; Erdman, 47; Groene, 42; Halloran, 33; Kintner, 2; Lowe, 37.

A BILL FOR AN ACT relating to trade practices; to adopt the Fair Repair Act.

LEGISLATIVE BILL 68. Introduced by Hilgers, 21; Brewer, 43; Ebke, 32; Geist, 25; Groene, 42; Kolterman, 24; Larson, 40; Lindstrom, 18; Lowe, 37; Murante, 49; Watermeier, 1.

A BILL FOR AN ACT relating to firearms; to amend sections 15-255, 17-556, and 18-1703, Reissue Revised Statutes of Nebraska, and sections 14-102, 16-227, and 23-187, Revised Statutes Cumulative Supplement, 2016; to prohibit certain regulation of firearms, ammunition, and firearm accessories by cities, villages, and counties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 69. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Cumulative Supplement, 2016; to increase the earned income tax credit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 70. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,109, Reissue Revised Statutes of Nebraska, and section 60-4,108, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to operator's license revocation; and to repeal the original sections.

LEGISLATIVE BILL 71. Introduced by Pansing Brooks, 28.

A BILL FOR AN ACT relating to the Nebraska Tree Recovery Program; to amend section 72-1902, Reissue Revised Statutes of Nebraska; to change legislative intent relating to appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 72. Introduced by Schumacher, 22.

A BILL FOR AN ACT relating to the Nebraska Governmental Unit Security Interest Act; to amend sections 10-1101, 10-1102, 10-1104, 10-1105, and 10-1106, Reissue Revised Statutes of Nebraska, and sections 10-1103, 70-1813, and 70-1819, Revised Statutes Cumulative Supplement, 2016; to rename the act; to define and redefine terms; to provide for governmental unit bond priority; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 73. Introduced by Riepe, 12.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1421, 28-1424, 28-1425, 28-1427, and 28-1429.01, Reissue Revised Statutes of Nebraska; to prohibit the use, consumption, or obtaining of tobacco, vapor products, and alternative nicotine products by persons under twenty-one years of age; to prohibit the sale or transfer of tobacco, vapor products, and alternative nicotine products to persons under twenty-one years of age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 74. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-130 and 17-407, Reissue Revised Statutes of Nebraska, and sections 17-1002 and 18-3001, Revised Statutes Cumulative Supplement, 2016; to change county population thresholds relating to annexation, suburban development, and planned unit development by a city or village; and to repeal the original sections.

LEGISLATIVE BILL 75. Introduced by Wayne, 13; McDonnell, 5; Morfeld, 46.

A BILL FOR AN ACT relating to voting rights; to amend sections 29-112, 29-113, 29-2264, 32-312, 32-313, 32-1530, and 83-1,118, Reissue Revised Statutes of Nebraska; to provide for the restoration of voting rights upon completion of a felony sentence or probation for a felony; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 76. Introduced by Wayne, 13; McDonnell, 5; Morfeld, 46.

A BILL FOR AN ACT relating to elections; to amend sections 29-112, 29-2264, 32-313, and 83-1,102, Reissue Revised Statutes of Nebraska, and section 83-187, Revised Statutes Cumulative Supplement, 2016; to require filing of certain orders and abstracts with the Secretary of State regarding felons; to provide and change powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 77. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2711, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to access to sales and use tax information by municipalities; and to repeal the original section.

LEGISLATIVE BILL 78. Introduced by Crawford, 45; Blood, 3.

A BILL FOR AN ACT relating to state highways; to amend section 39-1314, Reissue Revised Statutes of Nebraska; to change a provision relating to relinquishment or abandonment of a highway fragment, section, or route as prescribed; and to repeal the original section.

LEGISLATIVE BILL 79. Introduced by Blood, 3.

A BILL FOR AN ACT relating to private retirement plans; to adopt the Small Business Retirement Marketplace Act.

LEGISLATIVE BILL 80. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the County Civil Service Act; to amend section 23-2519, Reissue Revised Statutes of Nebraska; to provide that certain law clerks and students are in the unclassified service; and to repeal the original section.

LEGISLATIVE BILL 81. Introduced by Blood, 3.

A BILL FOR AN ACT relating to handgun certificates; to amend section 69-2404, Reissue Revised Statutes of Nebraska; to change the application fee for such certificates; and to repeal the original section.

LEGISLATIVE BILL 82. Introduced by Blood, 3.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend section 60-601, Revised Statutes Cumulative Supplement, 2016; to require the department to include certain traffic stop safety information in the Nebraska Driver's Manual; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 83. Introduced by Blood, 3; Linehan, 39; McDonnell, 5; Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,233, Reissue Revised Statutes of Nebraska; to allow physician medical directors to display certain vehicle lights as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 84. Introduced by Blood, 3.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-601, Revised Statutes Cumulative Supplement, 2016; to provide for the admissibility in any civil action of evidence of damages as a result of driving under the influence; and to repeal the original section.

LEGISLATIVE BILL 85. Introduced by Blood, 3; Baker, 30; Crawford, 45; Hansen, 26; McDonnell, 5; Morfeld, 46; Vargas, 7; Wayne, 13.

A BILL FOR AN ACT relating to law; to amend sections 32-602 and 49-1401, Reissue Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes Cumulative Supplement, 2016; to provide a requirement for any person seeking appointive or elective office as prescribed; to provide a duty for the Nebraska Accountability and Disclosure Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 86. Introduced by Blood, 3.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-810, Reissue Revised Statutes of Nebraska; to eliminate a requirement regarding opening bids; and to repeal the original section.

LEGISLATIVE BILL 87. Introduced by Blood, 3.

A BILL FOR AN ACT relating to net metering; to amend sections 70-2002 and 70-2003, Reissue Revised Statutes of Nebraska; to redefine a term; to authorize local distribution utilities to waive certain requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 88. Introduced by Blood, 3; Hansen, 26; Morfeld, 46; Wayne, 13; Williams, 36.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-101, 38-126, 38-208, 38-319, 38-413, 38-517, 38-518, 38-615, 38-708, 38-809, 38-1066, 38-1067, 38-1070, 38-10,132, 38-1120, 38-1121, 38-1123, 38-1217, 38-1218, 38-1312, 38-1421, 38-1507, 38-1513, 38-1516, 38-1711, 38-1712, 38-1814, 38-1917, 38-1917.02, 38-2028, 38-2034, 38-2049, 38-2125, 38-2130, 38-2223, 38-2225, 38-2316, 38-2318, 38-2421,

38-2517, 38-2523, 38-2609, 38-2707, 38-2853, 38-2924, 38-3120, 38-3212, 38-3327, and 38-3419, Reissue Revised Statutes of Nebraska; to provide for issuance of a temporary credential to the spouse of a military member based on reciprocity as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 89. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend sections 13-506 and 13-511, Revised Statutes Cumulative Supplement, 2016; to change published notice of hearing requirements; and to repeal the original sections.

LEGISLATIVE BILL 90. Introduced by Hughes, 44.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-305, Revised Statutes Cumulative Supplement, 2016; to provide for suitable accommodations by a public entity to an auditor employee as prescribed; and to repeal the original section.

LEGISLATIVE BILL 91. Introduced by Hilkemann, 4.

A BILL FOR AN ACT relating to metabolic screening; to amend sections 71-519, 71-520, and 71-523, Reissue Revised Statutes of Nebraska; to change provisions relating to infant screening as prescribed; to change a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 92. Introduced by Kolterman, 24; Baker, 30; Howard, 9; Riepe, 12.

A BILL FOR AN ACT relating to telehealth; to require certain health carriers to provide coverage for certain services delivered through telehealth; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 93. Introduced by Hansen, 26; Ebke, 32.

A BILL FOR AN ACT relating to law enforcement; to adopt the Automatic License Plate Reader Privacy Act.

LEGISLATIVE BILL 94. Introduced by Kolterman, 24.

A BILL FOR AN ACT relating to the Nebraska Capital Expansion Act; to amend section 72-1263, Revised Statutes Cumulative Supplement, 2016; to increase the amount of funds offered to banks and other financial institutions as deposits; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Crawford, 45; McCollister, 20.

A BILL FOR AN ACT relating to the cities and villages; to amend sections

18-2102.01, 18-2109, 18-2111, 18-2113, 18-2116, and 18-2117.01, Reissue Revised Statutes of Nebraska, and sections 18-2115, 18-2119, and 18-2147, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Community Development Law and tax-increment financing; and to repeal the original sections.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 1CA. Introduced by Murante, 49.

THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2018, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 22:

1-22 (1) All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

(2) In order to combat voter fraud, preserve the relative power of each eligible citizen's right to vote, modernize the election infrastructure of the state, and ensure the integrity of the elections of the state so as to preserve the public confidence in the legitimacy of the elected government, each voter shall present identification that contains a photograph or digital image of the voter prior to being able to vote as provided by the Legislature. The Legislature shall provide specifications for the identification and the manner of presentation and for exemptions for specific situations in which requiring such identification would violate an individual's rights under the Constitution of the United States.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to require presentation of identification prior to voting as provided by the Legislature.

For

Against.

LEGISLATIVE RESOLUTION 2. Introduced by Crawford, 45; Blood, 3.

WHEREAS, the Bellevue West High School football team won the 2016 Class A State Football Championship; and

WHEREAS, the Bellevue West and Omaha North football teams were each undefeated in the 2016 regular season; and

WHEREAS, the Bellevue West football team showed skill, talent, and determination in winning the 2016 championship game with a score of 43-6; and

WHEREAS, head coach Mike Huffman and his coaching staff have served as mentors and leaders for all of the members of the team; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Bellevue West High School football team on winning the 2016 Class A State Football Championship.
2. That head coach Mike Huffman be congratulated for his efforts in teaching, coaching, and providing guidance to the members of the team.
3. That a copy of this resolution be sent to the Bellevue West High School football team and coach Mike Huffman.

Laid over.

LEGISLATIVE RESOLUTION 3. Introduced by Harr, 8.

WHEREAS, the Legislature finds and declares that the 43rd Legislature of Nebraska designated a banner for the State of Nebraska that "consist[ed] of a reproduction of the great seal of the State, charged on the center in gold and silver on a field of national blue" with the passage of House Roll 62, which was signed by the President of the House on March 28, 1925; and

WHEREAS, the 73rd Legislature of Nebraska adopted the 1925 banner as the official state flag of the State of Nebraska, hereby known as the Nebraska flag, with the passage of Legislative Bill 556 on April 10, 1963, and subsequent signature by the Governor on April 23, 1963; and

WHEREAS, national surveys, including those conducted by the North American Vexillological Association, frequently rank the Nebraska flag within the five worst flags of the fifty states; and

WHEREAS, the North American Vexillological Association gives the design of the Nebraska flag a poor grade based on the following reasons:

- (a) The application of the Great Seal of the State of Nebraska is an overly complex device, especially when viewed from a distance;
- (b) The Nebraska flag is nearly indistinguishable from the designs of nineteen other official state flags that also apply state seals, or portions thereof, on a field of blue;
- (c) The 19th century-specific references of the Nebraska flag's symbolism are too narrowly dated to provide a solid sense of timelessness; and
- (d) The use of writing on the Nebraska flag diminishes its symbolism; and

WHEREAS, the present Nebraska flag as defined by section 90-102 has proudly served the State of Nebraska for ninety-two years; and

WHEREAS, the Legislature further finds and declares that the possibility of a better-designed, more iconic Nebraska flag exists.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Task Force on the Nebraska State Flag is created. The task force shall consist of ten members, including one member of the Legislature from each congressional district appointed by the Executive Board of the Legislative Council, two at-large members of the Legislature appointed by

the Executive Board, one person who is not a member of the Legislature from each congressional district appointed by the Executive Board, and two persons who are not members of the Legislature appointed at large by the Executive Board. The task force shall elect a chairperson from among the legislative members who shall call the meetings of the task force.

2. The task force shall develop a recommendation for the design of a new flag for the State of Nebraska which conforms to the flag design principles of established vexillologic organizations.

3. The Task Force on the Nebraska State Flag shall submit electronically a report to the Clerk of the Legislature with the task force findings on or before December 1, 2017.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR3 was referred to the Reference Committee.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 4. Introduced by Blood, 3; Wayne, 13.

PURPOSE: Nitrate-nitrogen in the waterways is an ongoing issue for this state, as nitrates increasingly invade both our public and private water supplies. Human activity continues to introduce nitrates into waterways, with fertilizers, septic systems, animal waste, and nitrogen-bearing minerals in the soil all contributing to the problem. With the growing use of fertilizer, increasing livestock numbers, and expanding use of septic tanks, there is cause to be concerned about the elevated levels of nitrate-nitrogen and other chemicals impacting water quality in the state. Chemicals that are found in the waterways include chromium and chromium compounds and developmental toxins, such as lead and lead compounds, nitrates, phosphorous, and atrazine. Harmful bacteria, including E. coli, have also been detected. As commercial growth compounds the problem, it is important to understand what solutions or options may be available that can provide a cost-effective resolution to help protect Nebraska residents from negative health impacts.

This interim study shall specifically explore if the development of a more comprehensive water quality study is needed and if a nutrient management plan to improve water quality would benefit this state, including an analysis of best grasses for filtration and the best plantings for forests and crops in buffer areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION(S) - Print in Journal

Senator Krist filed the following motion to LB13:

MO1
Withdraw bill.

Senator Kolterman filed the following motion to LB28:

MO2
Withdraw bill.

MOTION - Escort Committees

Senator Watermeier moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

RECESS

At 11:20 a.m., on a motion by Senator Baker, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators McCollister, Murante, and Schumacher who were excused until they arrive.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 96. Introduced by Crawford, 45; Blood, 3; Hansen, 26.

A BILL FOR AN ACT relating to economic development; to amend section 81-12,147, Revised Statutes Cumulative Supplement, 2016; to provide an eligible activity for assistance from the Site and Building Development Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 97. Introduced by Crawford, 45.

A BILL FOR AN ACT relating to cities; to amend sections 19-4030 and 19-4031, Revised Statutes Cumulative Supplement, 2016; to adopt the Riverfront Development District Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 98. Introduced by Friesen, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-3225 and 77-3442, Revised Statutes Cumulative Supplement, 2016; to extend certain levy authority for natural resources districts; and to repeal the original sections.

LEGISLATIVE BILL 99. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to business entities; to amend sections 67-447 and 67-448, Reissue Revised Statutes of Nebraska, and sections 21-2,129, 21-2,130, 21-2,135, 21-2,140, 21-2,146, 67-448.01, and 67-448.02, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the conversion of corporations, partnerships, limited partnerships, and limited liability partnerships into other business entities; and to repeal the original sections.

LEGISLATIVE BILL 100. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 71-963, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to petitions for removal of a person's firearm-related disabilities; and to repeal the original section.

LEGISLATIVE BILL 101. Introduced by Stinner, 48.

A BILL FOR AN ACT relating to state government; to amend section 81-1118, Reissue Revised Statutes of Nebraska, and section 73-506, Revised Statutes Cumulative Supplement, 2016; to change duration requirements for certain state agency contracts; and to repeal the original sections.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army National Guard.

INAUGURAL CEREMONIES

Chief Justice Michael G. Heavican, administered the Oath of Office to the newly elected state officials.

The Chief Justice and the newly elected state officials were escorted from the Chamber.

VISITOR

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 2:09 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 10:00 a.m., Friday, January 6, 2017.

Patrick J. O'Donnell
Clerk of the Legislature