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SECOND SESSION

MESSAGE(S) FROM THE GOVERNOR

April 23, 2018

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 117, 194, 731, 731A, 953, 957, 1065, and 1120 were received in my office on April 18, 2018. These bills were signed on April 19, 2018, and delivered to the Secretary of State on April 23, 2018.

Engrossed Legislative Bills 299, 496, 670e, 729, 791e, 793e, 807e, 807Ae, 845, 989, 1005e, 1034, and 1034A were received in my office on April 18, 2018. These bills were signed on April 23, 2018, and delivered to the Secretary of State on April 23, 2018.

Sincerely,
(Signed) Pete Ricketts
Governor

April 23, 2018

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

Dear Mr. President and Members of the Legislature:

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

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

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

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

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

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

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

Sincerely,
(Signed) Pete Ricketts
Governor

April 23, 2018

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

Dear Mr. President and Members of the Legislature:

I am returning LB 873 without my signature and with my objections.

The multi-faceted bill contains numerous provisions that I support. For example, the provisions that would provide clarity regarding the taxation

and regulation of online hosting platforms, such as the Airbnb property rental marketplace, are valuable and needed additions to Nebraska law.

The multiple beneficial sections of the omnibus 257-page bill cannot, however, overcome my objections to the inclusion of the dramatic expansion of the use of land banks. A land bank is yet another layer of government that is vested with exceptionally broad powers. Land banks can issue debt without a vote of the people. Members of the land bank are not elected by the public nor are decisions made by the land bank subject to the public hearing process of a city council or village board. The appointed members of land banks are entitled to retain fifty percent of the real property taxes collected on real property conveyed by the land bank. Any property conveyed to a land bank and a land bank's income and operational expenses are exempt from all taxation by the state or its political subdivisions.

Land banks were created in 2013 to assist in the revival of vacant, abandoned properties. Their use was limited to operate solely within Douglas and Sarpy counties. LB 873 would allow any city or village in Nebraska to create and utilize a land bank. There has not been a need demonstrated to expand the vast powers of a land bank to other areas of our state.

For these reasons, I have vetoed LB 873.

Sincerely,
(Signed) Pete Ricketts
Governor

April 23, 2018

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

Dear Mr. President and Members of the Legislature:

I am returning LB 998 without my signature and with my objections.

While the goal of the bill is noble, the bill in its final form misses the mark. I share concern about the underlying problem LB 998 is trying to address. However, the legislation creates a "one-size fits all" program and a state fund that merely accepts private donations and passes those private dollars on to a political subdivision.

LB 998 is not needed. A private foundation could directly raise and provide funds to the Educational Service Unit Coordinating Council ("ESUCC") or to individual Educational Service Units ("ESU"s). Those entities would then

have more discretion and flexibility to connect with existing state and community resources in their local areas to design locally-tailored programs.

As proposed by the bill, once \$3.6 million in private donations are received, the Educational Service Unit Coordinating Council must hire staff and further distribute funding to individual ESUs to hire social workers. The ESUCC, which is created under existing law as a political subdivision, would receive the money and operate the program that is created in the bill.

LB 998 unnecessarily inserts the State between private funders and the political subdivision receiving those donations. Political subdivisions may already accept donations. Instead of providing additional services, the bill limits how an ESU may use private funding. The bill also creates another separate silo of mental health services that is redundant to the existing efforts of the Department of Health and Human Services Behavioral Health Division at a time when we are trying to better coordinate a system of care for delivery of these services.

Another problem created by LB 998 is that it would set a precedent for the State to assume the obligation of running a private grant program. As proposed by the bill, the State provides no funding for the program and no state agency has a role other than to act as a budgetary pass-through entity. As noted, LB 998 fails to coordinate with existing efforts and funding provided for behavioral and mental health care services.

The bill is also unclear about how parents and guardians would be involved in the consent and care of the student for screening, referral, treatment, and payment for services that would be created by this legislation. Parental rights are paramount and must have a clearly defined role in any state-sanctioned program that impacts a child.

Taxpayers expect efficient and effective state services. Creating duplicative and uncoordinated programs – even with private funds – is irresponsible. We can do better. Currently, several ESUs have staff participating in the implementation of a comprehensive Systems of Care model that is coordinated through the Division of Behavioral Health. Those efforts should be encouraged and not potentially undermined with disparate and disconnected state programs.

I have vetoed LB 998 as it is unnecessary. The bill creates an artificial need for a state cash fund, it fails to require coordination with existing state behavioral and mental health care initiatives, and it does not provide a clear and respectful role for the parents and guardians of a minor child.

Sincerely,
(Signed) Pete Ricketts
Governor

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies provided concerning action on bills after adjournment of the One Hundred Fifth Legislature, Second Session.

Patrick J. O'Donnell
Clerk of the Legislature

April 23, 2018
Lincoln, Nebraska

