

NEBRASKA MUNICIPAL REVIEW

■ U.S. Supreme Court to decide billion dollar sales tax case

■ North Platte City Administrator sworn in as member of State Highway Commission

■ Attorney General announces 'Demand an End' public awareness campaign to fight child sex trafficking

JANUARY 2018

2018 Utilities/Public Works Section Annual Conference Highlights



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Bottom left from left: Denise Peterson, Ponca City Administrator/Clerk/Treasurer; Linda Carroll, Fairmont City Clerk/Treasurer.

Bottom middle: Marty Stange, Hastings Civil/Environmental Engineer.

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Photos by Lynn Marienau.

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Larger Cities Legislative Committee

Ralph Yeager, Mayor, Alliance
 Stan Wirth, Mayor, Beatrice
 Tobias Tempelmeyer, City Administrator/General Manager, Beatrice
 Rita Sanders, Mayor, Bellevue
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CALENDAR

Municipal Accounting and Finance Conference June 20-22, 2018, Graduate, Lincoln
Annual Conference Sept. 19-21, 2018, Holiday Inn, Kearney

Municipal Legal Calendar

(All statute citations to Revised Statutes of Nebraska)

JANUARY 2018

CITIES OF THE FIRST CLASS

Each month.....	Clerk publishes ordinances passed within 15 days after passage. (16-405)
Within 10 working days from meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
First Regular Meeting	Mayor and Council appoint member of Park Board. (16-696)
Within 30 days from Council meeting	Clerk publishes official proceedings of meeting. (19-1102)
Within 20 days after end of month.....	Treasurer files monthly financial report. (16-318)
On or before January 31	Provide county assessor each new lease or changed preexisting lease which went into effect during the previous year and a listing of previously reported leases that are still in effect. (77-202.11)
Each Quarter	Report from depository banks due. (16-714)
Reminder.....	Notice of automatic renewal of liquor and beer other than Class C licenses must be published between January 10 and January 30 of each year. (53-135.01)
Reminder.....	One and six year plans are due at the Nebraska Department of Roads, Board of Public Roads, Classification and Standards, March 1, 2018. Legal notice is required 10 days before the hearing. (39-2115 through 39-2119)

CITIES OF THE SECOND CLASS

Each month.....	Clerk publishes ordinances passed within 15 days after passage (17-613)
Within 10 working days from meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 30 days from Council meeting	Clerk publishes official proceedings of meeting. (19-1102)
Within 20 days after end of month.....	Treasurer files monthly financial report. (17-606)
On or before January 31	Provide county assessor each new lease or changed preexisting lease which went into effect during the previous year and a listing of previously reported leases that are still in effect. (77-202.11)
Reminder.....	Notice of automatic renewal of liquor and beer other than Class C licenses must be published between January 10 and January 30 of each year. (53-135.01)
Reminder.....	One and six year plans are due at the Nebraska Department of Roads, Board of Public Roads, Classification and Standards, March 1, 2018. Legal notice is required 10 days before the hearing. (39-2115 through 39-2119)

VILLAGES

Each month.....	Clerk publishes ordinances passed within 15 days after passage (17-613)
Within 10 working days from meeting or before next meeting (whichever is sooner)	Clerk to have minutes available for public inspection. (84-1413)
Within 30 days from Trustees' meeting.....	Clerk publishes official proceedings of meeting. (19-1102)
Within 20 days after end of month.....	Treasurer files monthly financial report. (17-606)
On or before January 31	Provide county assessor each new lease or changed preexisting lease which went into effect during the previous year and a listing of previously reported leases that are still in effect. (77-202.11)
Reminder.....	Notice of automatic renewal of liquor and beer other than Class C licenses must be published between January 10 and January 30 of each year. (53-135.01)
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U.S. Supreme Court to decide billion dollar sales tax case

BY LISA SORONEN, EXECUTIVE DIRECTOR
STATE & LOCAL LEGAL CENTER

In November 2017, a U.S. Government Accountability Office report estimated that states and local governments could “gain from about \$8 billion to about \$13 billion in 2017 if states were given authority to require sales tax collection from all remote sellers.”

In January 2018, the U.S. Supreme Court agreed to decide *South Dakota v. Wayfair*. In this case, South Dakota is asking the U.S. Supreme Court to rule that states and local governments may require retailers with no in-state physical presence to collect sales tax.

This case is huge news for states and local governments. This article describes how we got here and why it is likely South Dakota will win.

In 1967, in *National Bellas Hess v. Department of Revenue of Illinois*, the Supreme Court held that per its Commerce Clause jurisprudence, states and local governments cannot require businesses to collect sales tax unless the business has a physical presence in the state.

Reaffirmed requirement

Twenty-five years later in *Quill v. North Dakota* (1992), the Supreme Court reaffirmed the physical presence requirement, but admitted that “contemporary Commerce Clause jurisprudence might not dictate the

Justice Kennedy criticized Quill for many of the same reasons the SLLC stated in its amicus brief.

Specifically, internet sales have risen astronomically since 1992 and states and local governments have been unable to collect most taxes due on sales from out-of-state vendors.

same result” as the Court had reached in *Bellas Hess*.

Customers buying from remote sellers still owe sales tax, but they rarely pay it when the remote seller does not collect it. Congress has the authority to overrule *Bellas Hess* and *Quill*, but thus far, has not done so.

To improve sales tax collection, in 2010, Colorado began requiring remote sellers to inform Colorado purchasers annually of their purchases and send the same information to the Colorado Department of Revenue. The Direct Marketing Association sued Colorado in federal court claiming that the notice and reporting requirements were unconstitutional under *Quill*. The issue the Supreme Court decided in *Direct Marketing Association v. Brohl* (2014), was whether the Tax Injunction Act barred a federal

court from deciding this case. The Supreme Court held it did not.

Filed amicus brief

The State and Local Legal Center (SLLC) filed an amicus brief in *Direct Marketing Association v. Brohl* describing the devastating economic impact of *Quill* on states and local governments. Justice Kennedy wrote a concurring opinion stating that the “legal system should find an appropriate case for this Court to reexamine *Quill*.” Justice Kennedy criticized *Quill* for many of the same reasons the SLLC stated in its amicus brief. Specifically, internet sales have risen astronomically since 1992 and states and local governments have been unable to collect most taxes due on sales from out-of-state vendors.

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Following the Kennedy opinion, a number of state Legislatures passed laws requiring remote vendors to collect sales tax in clear violation of *Quill*. South Dakota's law was the first ready for Supreme Court review.

In September 2017, South Dakota's highest state court ruled that the South Dakota law is unconstitutional because it clearly violates *Quill* and it is up to the U.S. Supreme Court to overrule *Quill*. In October 2017, South Dakota filed a certiorari petition asking the Supreme Court to hear its case and overrule *Quill*. The SLLC filed an amicus brief supporting South Dakota's petition. The Supreme Court ultimately agreed to decide the case.

In favor of South Dakota

It seems likely the Supreme Court will rule in favor of South Dakota and overturn *Quill* for a number of reasons. It is unlikely the Supreme Court accepted this case to congratulate the South Dakota Supreme Court on correctly ruling that South Dakota's law is unconstitutional. Said another way, if the Supreme Court wanted to leave the *Quill* rule in place, it probably would have simply refused to hear *South Dakota v. Wayfair*.

3 votes in favor

It is easy to count at least three votes in favor of South Dakota in this case. First, Justice Kennedy, of course. Second, Justice Thomas. While he voted against North Dakota in *Quill*, he has since entirely rejected the concept of the dormant Commerce Clause, on which the *Quill* decisions rests. Third, Justice Gorsuch. The Tenth Circuit ultimately decided the *Direct Marketing Association v. Brohl* ruling that Colorado's notice and reporting



U.S. Supreme Court. Photo by © Thinkstock.com.

law didn't violate *Quill*. Then-judge Gorsuch wrote a concurring opinion strongly implying that given the opportunity, the Supreme Court should overrule *Quill*.

Generally reticent

That said, the Supreme Court and the Roberts Court in particular, is generally reticent about overturning precedent. The *Quill* decision illustrates as much. The Supreme Court looks at five factors in determining whether to overrule a case. One factor is whether a rule has proven "unworkable" and/

or "outdated . . . after being 'tested by experience.'" This factor weighs strongly in favor of overturning *Quill*. As Justice Kennedy pointed out in *Direct Marketing Association v. Brohl*: "When the Court decided *Quill*, mail order sales in the United States totaled \$180 billion. But in 1992, the Internet was in its infancy. By 2008, e-commerce sales alone totaled \$3.16 trillion per year in the United States."

The Court will hear this case this term meaning it will issue an opinion by the end of June 2018. ■



DOL issues new guidance on unpaid internships

BY JERRY L. PIGSLEY, WOODS & AITKEN LLP,
LONM LABOR AND EMPLOYMENT LAW COUNSEL

Do you have unpaid interns and students working for the municipality to reduce your labor costs? On Jan. 5, 2018, the U.S. Department of Labor (DOL) announced it was updating its enforcement policies as to when interns and students are employees under the Fair Labor Standards Act (FLSA). This announcement came as the result of a Dec. 19, 2017, U.S. Court of Appeals for the Ninth Circuit decision. The Ninth Circuit became the fourth federal appellate court to reject the DOL's six-part test for determining whether interns and students are employees under the FLSA. As a result, the DOL issued an updated Fact Sheet #71: Internship Programs Under the Fair Labor Standards Act. This new guidance is applicable to "for-profit" employers, but also provides the following guidance to municipalities.

EXCEPTION FOR VOLUNTEERS PERFORMING SERVICE FOR MUNICIPALITIES

DOL in the updated Fact Sheet recognized the rules are different in the case of public employers. DOL recognizes the "FLSA exempts certain people who volunteer to perform services for a state or local government

agency. . . . Unpaid internships for public sector and nonprofit charitable organizations where the intern volunteers without expectation of compensation are generally permissible." DOL Fact Sheet #71 at fn. 1 (emphasis added).

MUNICIPAL EMPLOYEES CAN VOLUNTEER FOR THEIR MUNICIPALITY

The FLSA provides that employees may volunteer hours of service to the municipality provided "such services are not the same type of services which the individual is employed to perform for such public agency." 29 C.F.R. § 553.103(a). The governing regulation defines "same type of services" as "similar or identical services." *Id.* DOL gives as an example of an individual performing services that constitute the "same type of services" as a municipal firefighter volunteering as a firefighter for the same municipality. 29 C.F.R. § 553.103(b). Examples given of volunteer services which do not constitute the "same type of services" include: a city police officer who volunteers as a part-time referee in a basketball league sponsored by the city; a city parks department employee who serves as a volunteer city firefighter; and an office employee of a city health care

institution who volunteers to spend time with a disabled or elderly person in the same institution during off-duty hours as an act of charity. 29 C.F.R. § 553.103(c).

BEST PRACTICES ON AN UNPAID INTERNSHIP PROGRAM

To avoid a claim by an unpaid intern that he or she should have been paid the minimum wage and overtime under the Fair Labor Standards Act for services that they provided to the municipality, the municipality should consider taking the following steps:

1. Have a written understanding signed by the intern stating that the internship is unpaid and that they are not an employee of the municipality. Furthermore, that no job is being offered or connected with successful completion of the internship.
2. Seek interns who will receive college credit or documentation from their school that the internship is educationally relevant.
3. The internship should have a start and end date which corresponds to the intern's academic

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Lawmakers underway in 2018 session

On a cold, clear day Jan. 3, lawmakers gathered in the state Capitol to begin the 2018 session, which is 60 days. Senators welcomed their newest colleague, Omaha Sen. Theresa Thibodeau, who was appointed to replace former Sen. Joni Craighead.

Speaker Jim Scheer of Norfolk welcomed his colleagues back and outlined significant dates and deadlines for session.



*Norfolk Sen. Jim Scheer
Speaker of the Legislature*

"I may be more optimistic than most. I think we'll have a great session," Speaker Scheer told his colleagues. "I think we will accomplish much. Not everybody will win everything. Not everybody will lose everything, but we will do this people's work and we will be glad of it."

Senators voted to elect Omaha Sen. Robert Hilkemann to become chair of the Committee on Committees.



2018 Legislature. Staff photo.

The position had been left vacant by Craighead's resignation.

Legislators also elected Jim Doggett to serve as the Legislature's main Sergeant-at-arms. He replaces Ron Witkowski, who retired last session.

Lawmakers face a general fund forecast that is an estimated \$173 million below the statutory cash reserve minimum. State budgets are created

on a two-year cycle in odd-numbered years and sessions in even-numbered years are used for adjustments.

The 2018 session is tentatively scheduled to adjourn sine die April 18, although Speaker Scheer may change that date. General file debate of carry-over legislation is ongoing and public hearings on new legislation are in progress. ■

DOL issues new guidance on unpaid internships

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calendar.

4. Provide hands-on training which would be similar to that given by the intern's educational institution.
5. The intern should complement and not displace the work of paid municipal employees while providing the intern significant educational benefits. For example,

the municipality should not lay off an existing employee on the grounds that the municipality hires unpaid interns to perform the same job.

6. The intern should not be employed by the municipality to perform the same services as those for which they propose to volunteer. ■

Editor's Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The author of this article, Jerry L. Pigsley, can be contacted at (402) 437-8500, jpgigsley@woodsaitken.com, or at Woods & Aitken LLP, 301 S. 13th Street, Suite 500, Lincoln, NE 68508-2578.



Cutting, reforming taxes key to growth

BY GOV. PETE RICKETTS

Cutting and reforming taxes is key to growing Nebraska. Over the years, together, the Legislature and I have done the hard work needed to hold the line on taxes. Additionally, we have worked together to deliver more than \$840 million in property tax relief over four years.

While this is significant, I'm continuing to make tax relief a top priority. Throughout the state, Senators and I hear stories of how high taxes are hurting Nebraskans. There's one story that has really stuck with me: This fall, a farmer approached me at an event to let me know that his high property taxes had driven him to sell his farm, leave Nebraska and move to Missouri.

Stories like this are reflected in how Nebraska ranks on taxes nationally. The Tax Foundation ranks Nebraska's property taxes as 11th highest in the nation, which is the worst among surrounding states. The only surrounding state with an income tax higher than ours is Iowa. Right now, Iowa Gov. Kim Reynolds and the Iowa Legislature are lowering their taxes. Additionally, Missouri just lowered its tax rates this month.

If we are going to remain competitive, Nebraska must take action to deliver tax relief for our farmers, ranchers, homeowners and small businesses. To accomplish this, Revenue Chairman

Sen. Jim Smith of Papillion and I are proposing the Nebraska Property Tax Cuts and Opportunity Act. This bill reforms the tax code to focus existing property tax relief on Nebraskans, fits within our existing budget and sets up the state for future relief as our state's economy grows. Our proposal has three major components.

First, property tax relief is the top priority. Our proposal reforms how the state delivers property tax relief and sets the state up to provide additional relief in future years. The Nebraska Property Tax Cuts and Opportunity Act restructures existing property tax credits as a new refundable credit on state taxes, which ensures that Nebraskans – not out-of-state landowners – receive the credits. The credit will refund 10 percent of the property taxes paid by Nebraskans on residential or agricultural land. For residential property, the proposal focuses the relief on the average homeowner.

Our proposal also provides for major additional relief in future years as the state grows. Every year that revenue exceeds budgeted receipts by one percent, we'll increase the tax credit until it reaches 30 percent of the property taxes paid by Nebraskans. Over the next 10 years, we expect our proposal would provide more than \$4 billion in property tax relief for farmers and

ranchers as well as homeowners.

Second, our proposal brings down income tax rates to help put more money back into the pockets of families and small businesses. Right now, 90 percent of individual income taxes paid by Nebraskans are at that top individual rate and 90 percent of Nebraska businesses pay at the top individual rate. Lowering these rates will lower the burden on small businesses that drive our economy and help attract new opportunities.

Finally, our proposal provides for an additional \$10 million over two years for workforce development.

The Nebraska Property Tax Cuts and Opportunity Act is a framework that can help bring people together to get tax reform done this legislative session. Sen. Smith and I will continue to work with Senators and other groups seeking tax relief. It will need to be a bipartisan effort for the good of our entire state. ■

North Platte City Administrator Jim Hawks sworn in as member of State Highway Commission

Gov. Ricketts appointed Hawks in December

North Platte City Administrator Jim Hawks was sworn in Jan. 26 as a member of the Nebraska State Highway Commission.

Gov. Pete Ricketts appointed Hawks for the job in December. He filled a vacancy in District 6.

Hawks has served as the North Platte City Administrator, Utility Director and Development Director for nearly 15 years and before that, served as the Lincoln County Highway Superintendent. He also

currently sits on the Nebraska Department of Transportation's Innovation Task Force and is a past president of the Nebraska Association of County Engineers, Highway Superintendents and Surveyors and the Professional Surveyors Association of Nebraska.

The State Highway Commission was created by the Nebraska Legislature in 1953 to ensure citizen input in the planning, design and operation of the state highway system. It acts as a liaison between the public and Nebraska Department of Transportation regarding highway matters and holds commission meetings throughout the year to provide a forum to receive public input.

The commission consists of eight private citizens with one member appointed from each of the eight highway districts. Each commissioner



Jim Hawks, North Platte City Administrator

is appointed by the Governor and approved by the Legislature to serve a six-year term. ■

Sources – Nebraska Department of Transportation, City of North Platte.

Kearney Solar Complex Energy Production Dashboard available

With the recent completion of Kearney's new Solar Complex, the public has access to a free online tool that allows users to track the hourly energy production produced at the facility.

A ribbon-cutting ceremony to celebrate the new Solar Park was held in December. The \$11 million project is the largest of its kind in Nebraska and will generate 5.8 megawatts of electricity, about 5 percent of Kearney's peak demand.

The system is nearly a half-mile long and 600-feet wide and includes more than 22,000 panels that rotate with the sun's movements. ■

Sources – City of Kearney and NMPP Energy.



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2018 Utilities/Public Works Section Annual Conference Highlights

Municipal utility and public works officials from across Nebraska attended the 2018 Utilities/Public Works Section Annual Conference, which was held Jan. 17-19 at the Cornhusker Marriott Hotel in Lincoln. Those attending the conference participated in sessions covering a wide variety of topics, including:

- Asset Management;
- Engaging the Public in Complex Infrastructure Decision Making;
- Aurora Solar Project; and,
- How to handle a major infrastructure project.

Paul Markowski, Ord Utility Superintendent, became President, taking the reins from Tony Jelinek, Kearney Director of Utilities. Jelinek will continue to serve as Past President on the Utilities Section Executive Board.

Other officers elected are:

1st Vice President – Bob Lockmon, Stuart Utilities Superintendent;

2nd Vice President – Larry Brittenham, Superior Utility Superintendent.

Board members – Eric Melcher,



From left: Incoming Utilities/Public Works Section President Paul Markowski, Utility Superintendent, Ord, presents plaque of appreciation to outgoing President Tony Jelinek, Kearney Utilities Director.

Aurora City Administrator; Dallas Nichols, Cozad Water Superintendent; Brian Newton, Fremont City Administrator.

Tobias Tempelmeyer, Beatrice City Administrator and General Manager, is an ex officio member of the board. ■



Nick Willis, Program Manager, Wichita State University Environmental Finance Center.



Deanna Perry, Clerk/Treasurer, Shelby.



Nick Chintala, Utility Business Development Manager, Eaton Lighting.



Marty Stange, Civil/Environmental Engineer, Hastings



Marlene Johnson, Mayor, West Point.



Steve Wolf, Community Engagement Director, JEO Consulting.



From left: Denise Peterson, Ponca City Administrator/ Clerk/Treasurer; Linda Carroll, Fairmont City Clerk/ Treasurer.



Adam Dabro, Utilities Superintendent, Aurora.

2018 Utilities/Public Works Section Annual Conference Highlights



David Young, Fiber Infrastructure and Right-of-Way Manager, Lincoln



Troy Schaben, Assistant City Administrator, Fremont.



Molly Brown, Vice President of Energy Production, GenPro Energy.



Jerry Osborne, Council Member, Atkinson.



Brian Newton, City Administrator, Fremont.



Randy Woldt, Utilities Superintendent, Wisner.



Chris Farabee, Owner, Farabee Mechanical.



Jim McGowen, Utility Superintendent, Schuyler.



Steve Kelly, Water Superintendent, Beatrice.



From left: Steve Wolf, Community Engagement Director, JEO Consulting, visits with Sandra Foote, Council Member, Superior.

Attorney General announces ‘Demand an End’ public awareness campaign to fight child sex trafficking

*League of Nebraska
Municipalities joins partners
to support campaign*

Nebraska Attorney General Doug Peterson and several supporters Jan. 11 announced in the Capitol rotunda a public awareness campaign to fight child sex trafficking. The campaign, *Demand An End*, focuses on the supply and demand model of trafficking by targeting those who purchase sex. Sex trafficking of minors takes place not only in larger cities, but also in rural areas across Nebraska. The Human Trafficking Initiative reports that in Nebraska, 11 percent of those sold for sex online are advertised as under the age of 21.

The League of Nebraska Municipalities is among the campaign’s partners. Others include Nebraska constitutional office holders, state Senators, Mayors, county attorneys, sheriffs, the Department of Transportation,



Attorney General Doug Peterson unveils public awareness campaign to address child sex trafficking at Jan. 11 press conference in Capitol rotunda. He is flanked by several state Senators. League staff photo.

Nebraska Trucking Association, the Nebraska Latino American Commission, Nebraska Council of School Administrators, non-profit organizations and private citizens.

“Although it is very troubling to

know that young people are being trafficked in Nebraska, I am encouraged that so many Nebraskans have united to fight child sex trafficking. Together, we must demand an end to this form of slavery,” Attorney General Peterson said.

The campaign is one way the Attorney General’s Office and the state of Nebraska are actively fighting sex trafficking of minors, Peterson said, adding that it capitalizes on the momentum of LB 289, which was passed last year to increase penalties for those who are involved in sex trafficking and holds buyers responsible, penalizing them as traffickers.

Peterson said the *Demand An End* campaign originated from the Georgia Attorney General’s office and was an effective effort on its part to make buyers aware that they would be subject to prosecution.



Lincoln Sen. Patty Pansing-Brooks speaks at press conference. Poster is behind her. League staff photo.

Continued on page 15

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Gov. Pete Ricketts appeared during the press conference and read a proclamation condemning human trafficking and declaring the month of January as Human Trafficking Awareness month. He also thanked Sen. Patty Pansing-Brooks of Lincoln and Speaker of the Legislature Jim Scheer for sponsoring legislation previously that strengthened penalties for human trafficking.

Speaker Scheer said his lack of knowledge about the issue initially made him hesitant to cosponsor the legislation, but then he thought about his newborn twin granddaughters.

"That made it personal," he said. "Think of your grandkids, your children. We have to stop this abuse. I was proud and privileged to work on that bill."

Sen. Pansing-Brooks thanked the Attorney General for his leadership and thanked his staff for their efforts to put an end to a "heinous" crime.

"We worked together and the Legislature voted to recognize that a human trafficking victim is a victim and should not be charged with this crime of trafficking," she said, adding



Gov. Pete Ricketts reads a proclamation at the press conference. Attorney General Doug Peterson and state Sens. Matt Williams of Gothenburg and Kate Bolz of Lincoln stand beside him. League staff photo.

that the legislation and awareness campaign will help many vulnerable people.

Attorney General Peterson said his office has worked with the Salvation Army, the hospitality and trucking industries, the medical profession and law enforcement. He said that key in the fight will be the state patrol working across the state.

Nebraska State Patrol Col. John Bolduc said that troopers across Ne-

braska are "proud to partner with the attorney general's office and others in this important mission. Sex trafficking is not a comfortable topic for the public to discuss, but that's why this campaign is so critical. The posters at rest areas will reach many people who may be unwilling to even consider that this horrible crime is happening here in Nebraska."

In 2016, Peterson was joined by many partners while spearheading the creation of the Nebraska Human Trafficking Task Force (NHTFF). The task force's objectives are to help survivors of trafficking, stop traffickers and eliminate the human trafficking market.

The *Demand An End* initiative advances the task force objectives, Peterson said. Child sex trafficking exists in Nebraska because of a tragic cycle of supply and demand – the supply being children who are frequently abused and exploited at a young age and the demand coming from individuals seeking to buy minors for sex.



Speaker Jim Scheer addresses those attending press conference on Demand An End campaign. League staff photo.

Continued on page 16

Fairmont's do-it-all village clerk honored

■ **BY STEVE MOSELEY**
YORK NEWS-TIMES ■

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YORK – Linda Carroll, Fairmont's faithful and crackerjack sharp village clerk since April 1, 1991, thought the contingent of USDA Rural Development officials and local board members was assembling for a year-in-review powwow.

But, it was all a ruse. A ruse pulled off so well the secret of her selection as Nebraska Rural Development's Village Clerk of the Year for 2017 was kept until the moment Luann Brown from the agency staff brought out a framed certificate. It had Carroll's name emblazoned across the front in bold italic letters.

American flag

In addition to effusive compliments, Brown left Carroll with an American Flag that has flown over the U.S. Capitol, too.

"She has a very good outlook on the paperwork we've needed," said Brown with a twinkle in her eye. The comment brought immediate chuckles from Carroll and her board for the barely-veiled reference to the piles of



Fairmont Village Board Chair Don Moses has only good things to say about Linda Carroll, USDA Rural Development's 2017 Village Clerk of the Year. Photo by Steve Mosley, York News-Times. Reprinted with permission.

paper the government mandates for everything. "She is a pleasure to work with," Brown added.

Karl Elmsphaeuser is at the end of his first year as director of USDA Rural Development for the state. He traveled to Fairmont for the occasion as well.

"We understand the value of a village clerk," he said.

The director said since 2000, Carroll has dotted the I's and crossed the T's on five projects for her hometown totaling \$1.5 million.

"Over a 15-year period," said Elmsphaeuser, "that's what she has brought back to the community."

Projects

Carroll rattled off projects: the sewer lagoons, a lift station, extension of sanitary sewer to Casey's alongside Hwy 81 and the completion of necessary lagoon modifications.

Elmsphaeuser quickly pointed out that those Fairmont improvements are but the tip of the iceberg for Carroll, who has taken lead rolls working with other government entities and local projects. In the past year, for instance, she threw herself into what eventually became

a doomed effort to keep Fairmont's grocery store from closing.

"She does our paperwork," commented Don Moses, whose term as village board chair is near its end. "She knows who to talk to," at every level, no matter who or where or what her town needs.

"The village wouldn't run without Linda," Moses flatly stated. "She pretty much runs the town."

Why is Carroll so passionate and dialed-in about Fairmont.

"It's love of your community," she answered, adding an 'it's no big deal' shrug. "You want to help it grow. Help it thrive."

Youngest daughter

Her youngest daughter, she said, is employed in the cattle feeding business while building her own cow/calf herd.

"Eventually this is going to be her community, too," Carroll cited as one example of her motivation.

She also enjoys the fact her long and attentive career is "not lining corporate pockets. When you are in a small town it's about community and public service." ■

'Demand an End'

Continued from page 15

Demand An End brings this crime out from the shadows. Targeting the interstate allows for a large cross-section of Nebraskans to be reached. It also brings awareness to those traveling in the state that trafficking will not be tolerated.

To learn more about the *Demand An End* campaign, visit <https://ago.nebraska.gov/demand-end-campaign> or demandanend.org. ■

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\$1.3 million awarded to recycling, litter programs

Nebraska Department of Environmental Quality (NDEQ) Director Jim Macy announced the awarding of \$1.3 mil-

lion in 53 grants for litter cleanup, recycling, and public education programs and activities. Funds for the Litter Reduction and Recycling Grant Program are generated from a fee charged to certain manufacturers, wholesalers and retailers of products that commonly contribute to litter. The department received nearly \$3.6 million in eligible grant requests; an increase of more than \$900,000 from last year.

Below is a summary of the three grant categories and grant awards in each category.

Recycling Grant Awards

The recycling programs provide an alternative to the disposal of solid waste in Nebraska's landfills. The programs recycle more than just aluminum, paper, glass and plastic. Recycling efforts that promote the purchase of recycled content products continue to receive priority for funding. NDEQ awarded 20 grants in the recycling category, totaling \$603,838.

Cleanup Grant Awards

Cleanup grants provide assistance for programs involving Nebraska residents of all ages who pick up litter and debris along Nebraska's highways, waterways, recreation lands, urban areas and other public use areas within the state. The recycling proceeds are often used to benefit the respective programs. NDEQ awarded 12 grants in the cleanup category, totaling \$50,569.

Public Education Awards

The Public Education programs educate citizens in the areas of litter reduction, cleanup and recycling through a variety of individual and community activities. Priority is given to programs that promote markets for recycled materials or purchasing

products made from recycled materials. NDEQ awarded 21 grants in the public education category, totaling \$651,963.

Below lists grantees by city.

Alliance. Keep Alliance Beautiful, Public Education, \$38,214. Recycling, \$33,050.

Beatrice. Keep Beatrice Beautiful, Inc., Cleanup, \$6,000. Public Education, \$28,873.

Burwell. Loup Basin RC & D/Keep Loup Basin Beautiful, Public Education, \$32,785.

Chadron. Keep Chadron Beautiful, Cleanup, \$5,060. Public Education, \$36,766. Recycling, \$4,200. City of Chadron, Recycling, \$75,000.

Columbus. Keep Columbus Beautiful, Public Education. \$21,039.

Crofton. City of Crofton. Cleanup, \$793.

Fremont. Keep Fremont Beautiful, Public Education, \$42,783.

Grand Island. Grand Island Area Clean Community System, Cleanup, \$6,000. Public Education, \$38,700.

Imperial. City of Imperial, Recycling, \$1,425. City of Imperial, Recycling, \$62,500.

Kimball. Keep Kimball Beautiful, Public Education, \$16,241. Keep Kimball Beautiful, Recycling, \$40,700.

Lexington. Keep Lexington Beautiful, Public Education, \$20,353. Keep Lexington Beautiful, Recycling, \$3,595.

Lincoln. Lincoln-Lancaster County Health Dept., Cleanup, \$6,000. Lincoln Children's Museum, Public Education, \$4,530. Lincoln-Lancaster County Health Dept., Public Education, \$68,482. Nebraska Recycling Council, Recycling, \$50,751. City of Lincoln, Solid Waste Management

Continued on page 19

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Continued from page 18

Division, Recycling, \$30,080.

Louisville. Keep Cass County Beautiful, Cleanup, \$1,600. Keep Cass County Beautiful, Public Education, \$36,041.

Lyons. City of Lyons, Recycling, \$10,150.

Mead. Integrated Recycling LLC, Recycling, \$35,495

Nebraska City. City of Nebraska City, Public Education, \$13,072. Nebraska City Utilities, Recycling, \$37,342.

Norfolk. Lower Elkhorn RC & D, Public Education, \$375. Keep Norfolk Beautiful, Public Education, \$21,492. GreenFiber LLC, Recycling, \$22,180.

North Platte. Keep North Platte and Lincoln County Beautiful, Cleanup, \$6,000. Keep North Platte and Lincoln County Beautiful, Public Education, \$46,086. Keep North Platte and Lincoln County Beautiful, Recycling, \$17,000.

Ogallala. Keep Keith County Beautiful, Cleanup, \$3,000. Keep Keith County Beautiful, Public Education, \$50,282. Keep Keith County Beautiful, Recycling, \$10,201. Western Resources Group, Recycling, \$54,510.

Omaha. Keep Omaha Beautiful, Cleanup, \$6,000. Keep Omaha Beautiful, Public Education, \$58,996. Firstar Fiber Corporation, Recycling \$27,639. Angels on Wheels, Recycling, \$53,844.

Schuyler. Keep Schuyler Beautiful, Recycling, \$22,576.

Scottsbluff. Keep Scottsbluff Gering Beautiful, Cleanup, \$5,466. Keep Scottsbluff Gering Beautiful, Public Education, \$20,278.

Sidney. Keep Sidney Beautiful, Public Education, \$21,606.

South Sioux City. Keep Northeast

Nebraska Beautiful, Public Education, \$34,969.

Steinauer. Steinauer Community Club, Cleanup, \$650.

Tekamah. Papio Missouri River

NRD, Recycling, \$11,600.

Wakefield. Education Service Unit #1, Cleanup, \$4,000. ■

Source – Nebraska Department of Environmental Quality

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NLC: Cities urge comprehensive, responsible immigration reform

With the release of the Trump Administration's principles for immigration reform, National League of Cities (NLC) President Mark Stodola, Mayor of Little Rock, Ark., released the following statement:

"America's city leaders are encouraged to see the President taking a leadership role in protecting the Dreamers who call our country home. For years, NLC has called for comprehensive immigration reform that strengthens both enforcement of current immigration laws and worksite enforcement – and that provides increased capacity for foreign nationals to obtain legal authorization for temporary visas or

legal permanent residency.

"However, as we look toward investments in our country's physical infrastructure, ensuring a skilled and available workforce – which includes immigrants – is critical to our economic success and vitality. Without pathways for immigrants to contribute legally to the workforce, our booming domestic industries will suffer and stall.

"Congress needs to come together in a bipartisan effort to solve the Dreamer issue now. Anything less is callous punishment on some of our best and brightest. Our nation has been built on the energies of hardworking im-



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migrants and now is no time to be turning our backs on them." ■

Source – NLC

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