

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT (CORRECTED)
LB164

Hearing Date: Tuesday January 24, 2023
Committee On: Urban Affairs
Introducer: McKinney
One Liner: Adopt updates to building and energy codes

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Blood, Cavanaugh, J., Day, Hardin, Hunt, McKinney
Nay:	1	Senator Lowe
Absent:		
Present Not Voting:		

Testimony:

Proponents:

Senator Terrell McKinney
David Holtzclaw

Representing:

Opening Presenter
self

Opponents:

Blair MacDonald
Jerry Stanford
Anna Bespoyasny

Representing:

Greater Nebraska Cities
Self/MOBA/HBAL Build Omaha
City of Omaha

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 164 updates the International Building Code (energy efficiency provisions), International Residential Code (energy efficiency provisions), and International Energy Conservation Code from the 2018 editions to the 2021 editions.

Section-by-Section Summary:

Section 1 of the bill amends 71-6403 to add provisions of the 2021 International Building Code energy provisions to the existing statute.

Section 2 of the bill amends 71-6406 to add provisions of the 2021 International Building Code energy provisions to the existing statute.

Section 3 of the bill amends 72-804 to replace all references of "2018" with "2021."

Section 4 of the bill amends 72-805 to replace all references of "2018" with "2021."

Section 5 of the bill amends 72-806 to replace all references of "2018" with "2021."



Section 6 of the bill amends 81-1608 to replace all references of “2018” with “2021.”

Section 7 of the bill amends 81-1611 to replace all references of “2018” with “2021.”

Section 8 of the bill amends 81-1614 to state that the Nebraska Energy Code will apply to all new buildings on the effective date of the bill.

Section 9 of the bill repeals original sections.

Explanation of amendments:

LB 164, as amended by AM 2105, creates the following changes:

1. Allows for seven inland port districts, which is an increase from the current allowance of five. The amendment outlines the qualifications of where inland port districts may be located.
2. Changes the makeup of the port authority board, and the qualifications of a commissioner to an inland port authority.
3. Creates the Inland Port Authority Fund

Section-by-Section Summary:

Section 1 of the bill amends 13-3301 to harmonize with the additional sections of the Municipal Inland Port Authority Act.

Section 2 amends 13-3302 to add “innovation districts” as designated locations for inland port authorities’ assistance.

Section 3 amends 13-3304 to allow for seven inland port districts. No more than one inland port district may be designated within the boundaries of a city of the metropolitan area.

Section 4 amends 13-3305 to change the allowance of non-contiguous inland port districts; for ports located within a city of the metropolitan class, the port may be no more than five miles from the remaining portions of such inland port district

Section 5 amends 13-3306 to allow inland port authorities to facilitate partnerships and programs between innovative startup businesses, research institutions, and venture capitalists or financial institutions. The section also states that any inland port authority located within the boundaries of a city of the metropolitan class shall not be eligible to receive any funds transferred by the Legislature pursuant to subsection (2) of Neb. Rev. Stat. 81-12,146 until July 1, 2027. This statute refers to the Site and Building Development Fund.

Section 6 amends 13-3310 to change the membership makeup of the inland port authority board; the nine members must include individuals of certain backgrounds.

Section 7 amends 13-3311 to allow a public official to serve as a commissioner of an inland port authority. The section amended would not allow the individual or a family member to own an interest in a private firm, company, or other entity other than a political subdivision.

Section 8 creates the Inland Port Authority Fund, which is created to carry out section 9 of this act. Under this fund, the State Treasurer shall transfer (a) any interest earned after 26 July 1, 2024, on federal funds allocated to the State of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, as amended, to the Inland Port Authority Fund no later than five business days after the effective date of this act, and (b) any investment earnings from the investment of money in the Perkins County Canal Project Fund and the Nebraska Capital Construction Fund, from transfers credited to such fund that are designated for the construction of a new state prison, to the Inland Port Authority Fund no later than five business days after the effective date of this act.



Section 9 allows an inland port authority located within the boundaries of a city of the metropolitan class to apply to the State Treasurer for a grant to carry out the functions of such inland port authority as authorized under the Municipal Inland Port Authority Act. The section then describes the application for the grant.

Section 10 allows the changes made by this bill to apply to any inland port authority existing prior to, on, or after the effective date of this act.

Section 11 amends 61-305 to allow investment earnings from the Perkins County Canal Project Fund to be credited to the Economic Recovery Contingency Fund fiscal years 2023-24 and to the Inland Port Authority Fund for fiscal years 2024-25 and 2025-26.

Section 12 amends 72-819 to allocate no more than (1) \$15 million from investment earnings from the Perkins County Canal Project Fund and (2) \$750,000 for exhibit fabrication and historical interpretation from the Perkins County Canal Project Fund to the Inland Port Authority for fiscal year 2025-26.

Section 13 amends 72-1001 to require any investment earnings from the Nebraska Capital Construction Fund that are designated for the construction of a new state prison to be credited to the Economic Recovery Contingency Fund for fiscal year 2023-24 and to the Inland Port Authority Fund for fiscal years 2024-25 and 2025-26.

Section 14 amends 81-1239 to align section numbering.

Section 15 amends 81-1243 to align section numbering.

Section 16 amends 81-12,195 to align section numbering.

Section 17 amends 81-12,196 to align section numbering.

Section 18 defines “inland port authority” as having the same meaning in section 13-3303, (which is the Municipal Inland Port Authority Act.)

Section 19 amends 81-12,201 to change the definition of “investment.” This new definition adds the term to include any funding and other resources directed towards the project by a city, a county, and inland port authority, or a public utility. The term also includes costs expended for debt financing for the project.

Section 20 amends 81-12,215 to allow an applicant to sell all or any part of a project authorized by the Nebraska Rural Projects Act, though only if approved by the director.

Section 21 amends 81-12,241 to allow no more than \$400,000 in grants to a nonprofit economic development organization for the development of a business park located within or adjacent to one or more qualified census tracts.

Section 22 amends 81-12,243 to require the State Treasurer to transfer (a) eighty-nine million six hundred thousand dollars from the Economic Recovery Contingency Fund to the Inland Port Authority Fund no later than five business days after the department notifies the State Treasurer that an application has been made by a city of the metropolitan class to create an inland port authority and (b) thirty million dollars from the Economic Recovery Contingency Fund to the Inland Port Authority Fund no later than five business days after the effective date of this act.

Section 23 amends 81-12,244 to change the State Treasurer's transfer deadline of any interest earned on federal funds from the federal Coronavirus State Fiscal Recovery Fund to of June 30, 2024.



Section 24 amends 84-602 to require the State Treasurer to award grants as provided under the Municipal Inland Port Authority Act.

Section 25 repeals the original sections.

Section 26 creates an emergency.

Testifiers for the Amendment 2105 held on January 16, 2024:

Proponents:

Senator Wayne, District #13

Thomas Warren Sr., City of Omaha

Megan Skiles, Greater Fremont Development Council

Jennifer Creager, Greater Omaha Chamber

Opponents: None

Neutral:None

Terrell McKinney, Chairperson

