
Urban Affairs Committee

One Hundred Second Legislature
First Session 2011

Summary and Report of Legislation

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Introducer	Bill Number	One Line Description	Hearing Date	Executive Session Date	Amended	Status After Executive Session	Status After General File	Status After Select File	Status After Final Reading	Governor Signed
McGill	LB 146	Authorize cities and villages to regulate planned unit developments	1/18/11	1/25/11	Yes, floor amendment	Moved to general file	Advanced to select file amended	Advanced	3/4/11	3/10/11
Urban Affairs	LB 159	Authorize bond powers for cities, villages, and counties for non-profit enterprises	1/18/11	2/8/11	committee amendment	Amended, moved to GF	Advanced to select file amended	Advanced	3/10/11	3/16/11
Mello	LB 54	Change provisions relating to the Community Development Law *COMMITTEE PRIORITY*	1/25/11	3/9/11	Waiting on AG opinion	Advanced to GF	Advanced to select file	Amended, advanced	4/28/11	5/4/11
Mello	LB 57	Change the local option municipal economic development act	1/25/11	2/22/11	Yes	Amended, moved to GF	Amended on to LB471	Advanced	3/10/11	3/16/11
Urban Affairs	LB 308	Provide for terms of office for certain municipal officers	1/25/11	2/3/11	No	Moved to general file	Advanced to select file	Advanced	3/4/11	3/10/11
Urban Affairs	LB 309	Provide for reapportionment of special assessments made by a city of the first class, second class, or village as prescribed	1/25/11	2/22/11	Yes	Amended, sent to GF	Consent calendar 4/28/11	Advanced	5/11/11	5/17/11
McGill	LB 335	Provide for the waiver of municipal bidding procedures	1/25/11	2/3/11	No	Moved to general file	Advanced to select file	Advanced	3/4/11	3/10/11
Howard	LB 438	Increase fines for handicapped parking infractions	2/01/11	2/22/11	Yes					
Karpisek	LB 471	Expand local sources of revenue that may be used under the Local Option Municipal Economic Development Act	2/01/11	2/8/11	No	Moved to general file	Advanced to select file	Amended with LB57, advanced	3/10/11	3/16/11
Wallman	LB 417	Change the civil service to extend probationary service for firefighters	2/08/11	2/22/11	Gathering info	Moved to general file				
Avery	LB 121	Eliminate provisions relating to the State Fire Marshal from the Volunteer Emergency Responders Recruitment and Retention act	2/08/11	2/22/11	No	Moved to GF	Consent calendar 4/28/11	Advanced	5/11/11	5/17/11
McGill	LB 437	Change state building code provisions, 2006 International Residential Code	2/08/11	2/15/11	Yes	Amended into 546	Amended	Amended	4/8/11	4/14/11
Gloor	LB 546	Change provisions relating to adoption of the International Residential Code	2/08/11	2/15/11	Yes	Amended, moved to general file	Amended, advanced to select file	Advanced	4/8/11	4/14/11
Hadley	LB 42	Update references to the 2009 Uniform Plumbing Code	2/15/11	3/9/11	Amend onto LB 329	Now AM 781 to LB 329	Withdrawn	Withdrawn	Withdrawn	Withdrawn
Mello	LB 55	Update references to the International Energy	2/15/11	2/22/11						

		Conservation Code								
Cook	LB 329	Update the International Energy Conservation Code and change Nebraska Energy Code provisions *COMMITTEE PRIORITY*	2/15/11	2/22/11	Yes	Amended, moved to GF	Amended, advanced to select file	Advanced	4/8/11	4/14/11
Council	LB 190	Provide for district elections for board members of metropolitan utilities districts and public power districts serving cities of the metropolitan class	2/15/11	2/22/11	Yes	Amended, moved to GF				

Passed Legislation

LB54 (Mello) (Committee Priority Bill): Change provisions relating to the Community Development Law.

Date of Public Hearing: 1/25/11
Date Sent to General File: 3/15/11
Committee Amendment: None
Other Amendments: (Mello) AM1187
Approved by the Governor: 5/04/11

Bill Summary:

LB 54 amends Neb.Rev.Stat. §18-2147 and changes Tax Increment Financing (TIF) bond repayment to 15 years from the date the municipality enters into a redevelopment contract.

Originally, TIF bond repayment was 15 years from the date that the municipality's redevelopment plan went into effect.

The proposed change is intended to make the repayment timeframe of the bond more closely reflect the life of the project, as redevelopment plans can go into effect months before a redevelopment contract is officially entered in to by a municipality and a developer.

Explanation of Amendments:

AM 1187 changed the language in the original bill to start the 15-year repayment clock at the date identified in either the project redevelopment contract or in the resolution approving the bonds, to ensure that municipalities are able to take full advantage of the full 15 year repayment window.

LB 57 (Mello): Change the Local Option Municipal Economic Development Act.

Date of Public Hearing: 1/25/11
Date Sent to General File: 2/28/11
Committee Amendment: AM500
Other Amendments: 5/26/11 Provisions/portions of LB57 amended into LB471 by AM565

Bill Summary:

LB 57 amends Neb.Rev.Stat. §18-2709 and redefines "qualifying business" under the act to allow cities of the first class, second class and villages to use LB 840 funds for retail development.

LB 57 also amends Neb.Rev.Stat. §18-2717 by deleting current subsection (2), which would eliminate specific dollar appropriation limits each class of city can access from LB 840 funds.

Comments/Analysis:

LB 57 proposes to change the definition of qualifying business to allow cities over 10,000 people to use LB 840 funds for retail development. LB 57 would also remove the current dollar limits that a city can use in one year for LB 840 economic development programs. These current limits are three million for cities of the metropolitan and primary classes, two million for cities of the first class, and one million for cities of the second class and villages.

The statute currently places limits on the amount of revenue a city can use in an LB 840 plan for the development of retail business to no more than 40% in any twelve (12) month period and no more than 20% of the total revenue generated in any five (5) month period, commencing from the date of municipal approval of an economic development program. This is not being changed under proposed LB 57.

Cities are also currently limited by this statute (Neb.Rev.Stat. §18-2717(1)) in that they cannot appropriate more than four-tenths of one percent of the taxable valuation of the city in the year in which the funds are collected.

Explanation of amendments:

The amendment to LB 57 retains the dollar limitations which cities may appropriate from funds derived directly from local sources of revenue, which are contained in subsection (2) of Neb.Rev.Stat section 18-2717, and raises those limitations to five million dollars for cities of the metropolitan and primary classes, four million dollars for cities of the first class, and three million dollars for cities of the second class and villages.

LB 121 (Avery): Eliminate provisions relating to the State Fire Marshal from the Volunteer Emergency Responders Recruitment and Retention Act.

Date of Public Hearing: 2/08/11
Date Sent to General File: 2/25/11
Committee Amendment: None
Other Amendments: None
Approved by the Governor: 5/17/11

Bill Summary:

LB 121 changes three sections of statute.

First, §35-1309 (3) is amended, by removing the language “requested by the State Fire Marshal” from the statute. This eliminates the responsibility of administering the service award benefit program and the collection of information related to the participants in the program from the State Fire Marshal’s office.

Second, §35-1311.01 is repealed. This section of statute required each city, village or rural or suburban fire protection district with a volunteer fire department to file a report each year with the State Fire Marshal's office a report specifying the number of volunteer members serving there each year. The State Fire Marshal was also required under this statute to compile a report containing the responses filed by each of the above with the Clerk of the Legislature each year no later than December 1.

Third, §35-1321 is repealed. This section of statute required each city, village or rural or suburban fire protection district to notify the State Fire Marshal of their adoption of a service award benefit program within 30 days of the adoption of such program.

Comments/Analysis:

The Volunteer Emergency Responder Recruitment and Retention Act was enacted in 1999 as a means to help volunteer departments retain volunteer responders. The program is designed to provide payment of benefits based on length of service of active volunteer members of volunteer fire departments and rescue squads. (The service award benefit program.)

This bill removes the State Fire Marshal's duty under the Volunteer Emergency Responders Recruitment and Retention Act to develop and maintain a record keeping and certification list database. The program itself is not eliminated, but becomes the responsibility of the local fire departments and municipalities to administer.

This bill was on consent calendar.

LB 146 (McGill): Authorize cities and villages to regulate planned unit developments.

Date of Public Hearing: 1/18/11
Date Sent to General File: 1/27/11
Committee Amendment: None
Other Amendments: (McGill) AM224
Approved by the Governor: 3/10/11

Bill Summary:

This bill provides for the use of Planned Unit Developments in all cities and villages regardless of size. Currently, Neb. Rev. Stat. § 19-4401 only permits cities of the metropolitan, primary, and first class to utilize this development tool.

This bill also adds language that would require a second-class city or village located in a county that exercises zoning jurisdiction to obtain county planning commission and county board approval for a planned unit development prior to final approval.

Explanation of Amendments:

AM 224 removes the county board approval and provides only for INPUT from the county prior to city approval of the project.

LB 159 (Urban Affairs): Authorize bond powers for cities, villages, and counties for nonprofit enterprises.

Date of Public Hearing: 1/18/11
Date Sent to General File: 2/11/11
Committee Amendment: AM244
Other Amendments: (Schumacher) AM470, ER36
Approved by the Governor: 3/16/11

Bill Summary:

Section 1: amends Neb.Rev.Stat. §13-1101 by adding a definition of non-profit enterprise, expands definition of project by identifying the types of projects that qualify for revenue bond financing, and excludes any portion of a non-profit enterprise project that would be used for sectarian instruction or study or devotional activities or religious worship.

Section 2: amends §13-1101; adds language that allows cities to acquire, develop, lease or finance one or more projects for use as a nonprofit enterprise, including in a blighted area. Also power to finance projects on a “loan agreement” basis (rather than a “lease agreement” basis).

Section 3: amends §13-1104(1) by adding a reference to “other transaction parties” to existing provisions of law requiring the terms of any bond transaction to be secured by security devices deemed advantageous by the issuing authority.

Section 4: amends §13-1105(4), adding new language regarding public hearing notice requirements as set forth in section 3 of §13-1105 would not apply to projects for manufacturing/industrial or for nonprofit as described in section 1 of the bill, or for refunding bonds authorized in §13-1106

Section 5: amends §13-1109, and grants full authority for the exercise of powers described in §13-1101 to 13-1110, no prior election required. In addition, no proceedings for the issuance of bonds shall be required other than what is required by §13-1101 – 13-1110, and the provisions of all other laws and charters of any municipality or county. If there are any inconsistencies with the provisions of any other law or of any law otherwise applicable to a municipality or county, §13-1101 – 13-1110 are controlling. Subsection 3 states that if any suit, action, or proceeding involving the validity of any bond brought 30 days after the bond has been issued, and that bond states that it has been authorized for this type of financing project, it shall be conclusively deemed to have been authorized for such purpose and is conclusively deemed to be planned, located and carried out in accordance with §13-1101 – 13-1110. Subsection 4 uses the same language as subsection 3, with respect to validity or enforceability of any agreement entered into by a municipality to provide financing for a project.

Explanation of Amendments:

AM 244 adds language to protect cities, counties, or governing bodies from liability under the Nebraska Securities Act for untrue statements or omissions with respect to any revenue bonds issued for nonprofit groups. Additionally, it requires that the nonprofit must be incorporated or authorized to do business within the State of Nebraska.

AM 470 was introduced by Senator Schumacher, and adds the requirement that a reasonable relationship exist between the municipality or county issuing the bonds, and the project borrower or other party or parties to the financing agreement.

ER 36 adds an emergency clause to the bill.

LB 308 (Urban Affairs): Provide terms of office for certain municipal officers.

Date of Public Hearing: 1/25/11
Date Sent to General File: 2/4/11
Committee Amendment: None
Other Amendments: None
Approved by the Governor: 3/10/11

Bill Summary:

LB 308 provides for terms of office for appointed officials in cities of the second class and clarifies terms of office in villages.

LB 308 amends Neb.Rev.Stat. § 17-107 to clarify when the term of a mayor begins in a city of the second class, and provides that the terms of office for officers appointed by the mayor and confirmed by the council shall be established by the city council by ordinance for cities of the second class. The ordinance shall provide that either (a) the officers hold the office to which they have been appointed until the end of the mayor's term of office and until their successors are appointed and qualified unless sooner removed, or (b) the officers shall hold office for one year unless sooner removed.

LB 308 also amends Neb.Rev.Stat. §17-208 to clarify that the term of office for villages is one year.

Additionally, this bill puts the current statutory language regarding the appointment and discipline of police officers into one subsection to avoid confusion and to separate the provisions relating to police officers from the provisions for appointed officials.

LB 309 (Urban Affairs): Provide for reapportionment of special assessments made by a city of the first class, city of the second class, or village as prescribed.

Date of Public Hearing: 1/25/11
Date Sent to General File: 2/28/11

Committee Amendment: AM222
Other Amendments: (Coash) AM1180, ER113
Approved by the Governor: 5/17/11

Bill Summary:

LB 309 establishes a procedure to reapportion special assessments when the property against which special assessments have been levied is subdivided. This bill applies to cities of the first class, second class, or village, and requires notice and a hearing on the proposed reapportionment, with notice of hearing mailed specifically to the affected property owners.

The bill also provides for the governing body of the city or village to make any determination on fair and equitable terms, such as either front footage or square footage or other such method as determined by the facts and circumstances.

Explanation of amendments:

The amendment to LB 309 exempts any tract of land upon which a tax sale certificate has been issued from reapportionment of a special assessment to that parcel of land. It also requires that notice of reapportionment of a special assessment be filed with the county treasurer of the county where the land is located.

LB 329 (Cook) (Committee Priority Bill): Update the International Energy Conservation Code and Change Nebraska Energy Code Provisions.

Date of Public Hearing: 2/15/11
Date Sent to General File: 2/28/11
Committee Amendment: AM324
Other Amendments: ER55
Approved by the Governor: 4/14/11

Bill Summary:

This bill amends the same sections of statute as does LB 55 (Mello), with some additional changes.

LB 329 amends Neb.Rev.Stat. §§72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611 by updating to the 2009 version International Energy Conservation Code as the Nebraska Energy Code, from the currently used 2003 version of the code.

Section 1 of the bill applies the 2009 update to the code to any new state building, and to any new lighting, heating, cooling, ventilating or water heating equipment, and any new building envelope components in state owned buildings.

Section 2 requires the 2009 version of the code to apply to all new buildings constructed in whole or in part with state funds after the effective date of this act.

Section 3 of the bill exempts buildings subject to section 72-804 from enforcement provisions of Chapter 1 of the 2009 International Energy Code. Buildings subject to 72-804 are any new state building, or any new lighting, heating, cooling, ventilating, or water heating equipment or controls in a state-owned building and any new building envelope components installed in a state-owned building, as shown in section 1 of this bill.

Sections 4 through 11 of the bill amend sections of statute that created the Uniform Energy Efficiency Standards within the State Energy Office.

Section 4 is amending §81-1608, the statute dealing with Legislative Findings on Uniform Energy Efficiency Standards, to adopt the 2009 version of the International Energy Code.

Section 5 of this bill changes the definition of “Building” by inserting the more general language “used or intended for supporting or sheltering any use or occupancy,” and striking the specific uses previously included. It specifically excludes any structure that has a consumption of traditional energy sources for all purposes which does not exceed the energy equivalent of three and four-tenths British Thermal Units (BTU’s) per hour or one watt per square foot. Subsection (9) changes the definition of the Nebraska Energy Code from the 2003 International Energy Code to the 2009 version of that code.

Section 6 adopts the 2009 International Energy Code as the Nebraska Energy Code.

Section 7 changes the effective date of the statute from July 1, 2005 to the effective date of the act.

Section 8 exempts certain buildings from the Uniform Energy Efficiency Standards, specifically referencing buildings that are historic property or on the state or National Register of Historic Places.

Section 9 amends §81-1616 by striking the language that allowed for buildings located in a county, city, or village which has adopted the Nebraska Energy Code pursuant to 81-1618 to be exempt from the provisions of this section.

Section 10 allows any county, city, or village to adopt and enforce an energy code or standard, which shall be deemed equivalent to the Nebraska Energy Code if it does not result in energy consumption greater than would result from the strict application of the Nebraska Energy Code and is reasonably consistent with sections 81-1608 to 81-1626.

This section goes on to allow any county, city or village to waive a specific requirement of the Nebraska Energy Code when meeting such requirement is not economically justified. The local code authority is required to submit its analysis explaining this determination to the State Energy Office. The new language inserted requires written approval by the State Energy Office be given to the local code authority, before they may proceed to enforce their ordinance, resolution, code, or standard.

Section 11 amends §81-1620 to require a training program to provide initial technical assistance to local code officials and residential and commercial builders upon adoption and

implementation of a new Nebraska Energy Code, and provides for subsequent requests for training to be fulfilled at a fee that pays for the State Energy Office's costs for the training.

Explanation of amendments:

The amendment to LB 329 strikes section 10 of the bill. This removes the language that would require a city, county, or village to receive written approval from the State Energy Office prior to proceeding with enforcement of their ordinance, resolution or code which waives a specific requirement of the Nebraska Energy Code when meeting that requirement is not economically justified.

Cities, counties and villages are still required to submit their analysis for determining such requirement is not justified, but not required to wait for written State Energy Office approval.

LB 335 (McGill): Provide for the waiver of municipal bidding procedures.

Date of Public Hearing: 1/25/11
Date Sent to General File: 2/4/11
Committee Amendment: None
Other Amendments: None
Approved by the Governor: 3/10/11

Bill Summary:

LB 335 creates statutory language to allow for a waiver of municipal bidding procedures by cities, if necessary, to comply with any grant, loan, or program. Section 1 and 2 provide this waiver to cities of the metropolitan and primary class, respectively.

Section 3 amends Neb.Rev.Stat. §16-321.01 for cities of the first class, and section 4 of the bill amends Neb.Rev.Stat. §17-568.02 for cities of the second class and villages.

Comments/Analysis:

LB 335 is a bill that creates statutory language that allows all cities and villages to waive their bidding procedures if necessary to comply with any federal grant, loan, or program.

Questions were raised recently when cities were eligible to apply for federal stimulus grants under the American Recovery and Reinvestment Act program. A requirement of this grant was for cities to "Buy American" during the bidding process. There was a concern that this requirement could conflict with the "lowest responsible bidder" requirement in state law.

The intent of LB 335 is to eliminate the possible conflict between bidding requirements in state law and requirements in federal programs. With the enactment of LB 335 the question will be resolved for future federal programs.

LB 437 (McGill): Change State Building Code provisions.

Date of Public Hearing: 2/08/11

Other Amendments: Provisions/portions of LB437 amended into LB546 by AM348

Bill Summary:

LB 437 amends Neb.Rev.Stat §71-6403, the state building code, by adopting the 2006 edition of the International Building Code (IBC) and the 2006 edition of the International Residential Code (IRC). The statute currently states the 2000 edition of the code. This section also strikes subsection (3) from the statute that currently states, “Whenever a new edition of the codes adopted in subsection (1) of this section is published, such new edition shall be considered the state building code.”

Section 2 of the bill amends §71-6405 by allowing a state agency, by rule or regulation, to amend the state building code by adopting any temporary interim amendments issued by the National Fire Protection Association, any supplement or appendix of the IBC 2006 edition, IRC 2006 edition, or the International Existing Building Code, 2009 edition, subject to approval by the Director of Administrative Services.

Section 3 of the bill amends §71-6406, to deem their local codes are updated if the most recent edition “or amendments are adopted by the political subdivision within two years after the amendment of the state building code by adoption of a new edition of a code enumerated in subdivision (1)(a), (b), or (c) of section 71-6403 (referred to in section 1 of this bill) or by adoption of temporary interim amendments issued by the National Fire Protection Association.”

Comments/Analysis:

The language that is removed by section 1 of the bill was found to be an unlawful delegation of legislative authority by the Nebraska Supreme Court and was reaffirmed as such by the Attorney General in an opinion this past September.

The temporary interim amendments referenced in section 2 of the bill are issued by the National Fire Protection Association for the International Code Council and are amendments to the most recent edition to the code.

LB 471 (Karpisek): Change local sources of revenue and qualifying businesses under the Local Option Municipal Economic Development Act.

Date of Public Hearing: 2/01/11

Date Sent to General File: 2/11/11

Committee Amendment: None

Other Amendments: (Mello) AM565, ST10

Approved by the Governor: 3/16/11

Bill Summary:

LB 471 amends Neb.Rev.Stat. §18-2708, and expands the definition of local sources of revenue to include other general tax levied by the city or generated from municipally owned utilities or grants, donations, or state and federal funds received by the city, subject to any restrictions of the grantor, donor, or state or federal law. For funds generated from municipally owned utilities, the bill states that those funds shall be used with the economic development program as determined by the city council, including specific utility related purposes such as, but not limited to, load management, energy efficiency, energy conservation, load growth and line extensions.

LB 471 also amends §18-2714 (3) to include the local sources of revenue used to fund the economic development program to the list of items that the governing body is prohibited from amending without submitting the proposed changes to a new vote of the people.

Comments/Analysis:

LB 471 amends Neb.Rev.Stat. §18-2708, which is part of the LB 840 plan statute, to redefine local sources of revenue, to expand it beyond property tax and sales tax to include “any other tax levied by the city or generated from municipally owned utilities or grants, donations, or state and federal funds received by the city subject to any restrictions of the grantor, donor, or state or federal law.”

LB 471 does not increase the overall amount of money that the city can appropriate for LB 840 plans, it gives cities the option to use different sources of revenue from which they can draw money to fund an LB 840 plan for development purposes beyond just sales and property taxes.

Explanation of Amendments:

AM 565 amended the provisions of LB 57 (Mello) as amended by the Urban Affairs Committee into LB 471. See LB 57 above.

LB 546 (Gloor): Change provisions relating to the State Building Code and local building or construction codes.

Date of Public Hearing: 2/08/11

Date Sent to General File: 2/17/11

Committee Amendment: AM348

Other Amendments: (McGill) AM599, ER44

Approved by the Governor: 4/14/11

Bill Summary:

LB 546 amends Neb.Rev.Stat. §71-6403, the state building code, to adopt the 2009 version of the International Residential Code (IRC), except section R313, the mandatory new home fire sprinkler provision.

LR 546 also amends §71-6405 and would permit state agencies to amend the state building code by adopting section R313, should they choose to do so.

Section (3) amends §71-6406 to allow political subdivisions to amend their local building codes also by adopting section R313.

Comments/Analysis:

This bill is written to allow state agencies and local governments the option of adding the fire sprinkler mandate provision into their building codes.

The state building code currently allows municipalities to adopt a local building code so long as they have adopted the state building code. Municipalities may amend their local codes to adopt a different standard from the state building code to reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within its jurisdiction, so long as it conforms generally with the state building code.

Explanation of amendments:

The amendment to LB 546 updates all International Building Code and International Residential Code references in the statute to the 2009 versions, and strikes references to new editions of the code from the statute. It also strikes lines 16 through 18 on page 2 of the bill, which eliminates the automatic adoption of future editions of the codes referred to in subsection (1) of 71-6403.

Additionally, this amendment changes language on page 4 of the bill to clarify the reference to the most recently enacted state building code, as having to be adopted by political subdivisions within 2 years for local codes to be deemed regularly updated.

This amendment also inserts the language by modifying or deleting any portion of the state building code beginning on line 10, page 4, to further clarify this section which addresses how a political subdivision may amend their local building code.

Carry Over Legislation

LB 417 (Wallman): Change the civil service act to extend probationary service for firefighters.

Date of Public Hearing: 2/08/11
Date Sent to General File: 3/22/11
Committee Amendment: None
Other Amendments: None

Bill Summary:

LB 417 revises Neb.Rev.Stat. §19-1835 subsection (5) to extend the probationary service period of firefighters from three to six months, to not less than six months but not more than one year.

Comments/Analysis:

The civil service act applies to cities of the first class with a population of over 5,000 but less than 40,000, having a full time fire department. Cities of the second class and villages may adopt the civil service act and create a civil service commission by a vote of the people.

LB 190 (Council): Provide for district elections for board members of metropolitan utilities districts and public power districts serving cities of the metropolitan class.

Date of Public Hearing: 2/15/11
Date Sent to General File: 2/25/11
Committee Amendment: AM376 (pending)
Other Amendments: (Council) AM680

Bill Summary:

This bill would provide for representative governance of Metropolitan Utilities Districts and Public Power Districts which serve cities of the metropolitan class by allowing for district-level elections of board members of these public utilities.

Section 1 of LB 190 amends Neb.Rev.Stat. §14-2102 by adding language to allow a registered voter of the Metropolitan Utilities District to be eligible for the office of director from the election district in which he or she resides, subject to the special qualification of residence for the outside member.

Section 2 amends §32-540 and creates a new election policy that would take effect after January 1, 2012. For each election held after this date, the election commissioner in the most populous county in each metropolitan utilities district service area shall divide the service area into six (6) election districts of compact and contiguous territory and of approximately equal population, numbered one through six. Each district shall have one member on the metropolitan utilities district board of directors, and one member known as the outside member shall be elected at large by the voters of the MUD.

This section also provides for the members elected from districts 1, 3, 5 and the outside member to be elected for initial terms of 4 years, and members from districts 2, 4, and 6 elected for initial terms of 6 years. Thereafter all members shall be elected for terms of 6 years.

Section 3 amends §70-612 to remove a district with a service area containing a city of the metropolitan class from the list of those districts who have permission for the board of directors to amend the petition for their creation to provide for the division of the territory of such district into two or more subdivisions for the nomination and election of some of all of the directors.

This section creates a new subsection in the statute to require the board of directors of a district with a service area containing a city of the metropolitan class, on or before January 1, 2012, and subject to the approval of the Nebraska Power Review Board, to amend the petition for its creation to provide for the division of the territory of the district into no fewer than seven (7) election subdivisions for the nomination and election of the directors of the district. Each subdivision shall be composed of one or more voting precincts, and the total population of each election subdivision shall be approximately equal.

This new section also allows election subdivisions to be formed by following precinct or county boundary lines without regard to population, if the district includes all or part of two or more counties and is either engaged in furnishing electric light and power and more than fifty percent of its customers are rural customers, or engaged in furnishing electric light and power and in the business of owning and operating irrigation works, if the Nebraska Power Review Board determines the interests of the rural users of electricity or irrigation water in that district will not be prejudiced by the subdivision being formed in this manner.

Section 4 of this bill simply puts a reference to subsection (1) of section 70-612 into §70-619 which establishes the conditions under which a person is considered qualified to hold office as a member of the board of directors of the district.

Legislation Held by Committee

LB 42 (Hadley):

Date of Public Hearing: 2/15/11

Bill Summary:

Section 1 of LB 42 amends Neb.Rev.Stat. §18-132 to update plumbing code references in the statute to be for the 2009 Uniform Plumbing Code accredited by the American National Standards Institute. This section of statute grants that the legislative bodies of all cities and villages may adopt a plumbing code containing rules and regulations printed as a code in book or pamphlet form. If the city does not have an ordinance adopting a plumbing code, the 2009 Uniform Plumbing Code referenced above shall serve as the plumbing code for all the area within the jurisdiction of the city or village. However, the statute specifically states that there is no obligation created for the city or village to inspect plumbing work done within its jurisdiction to determine compliance with the plumbing code.

Section 2 amends §18-1915 by inserting the 2009 Uniform Plumbing Code into this section of statute again as the code that shall apply to all buildings except single-family dwellings and farm and ranch structures in the event that the city or village does not have an ordinance in effect that governs the installation of sanitary plumbing.

This section also updates the reference in statute where any code or ordinance by a city or village is at least equal to the 2009 Uniform Plumbing Code; the city ordinance shall take preference over the provisions of the said 2009 code.

Section 3 amends §23-172 by applying this code update language to counties. Counties are granted the same authority as cities to adopt a plumbing code, and if the county board does not adopt a code by resolution, the 2009 Uniform Plumbing Code shall apply. Note however that any code adopted by a county does not apply within the limits of any incorporated city or village, or where a city or village has been granted extra-territorial zoning jurisdiction. There is again no obligation created by this statute for the county to inspect plumbing work done within its jurisdiction.

Comments/Analysis:

The plumbing code currently referenced in this statute is the Uniform Plumbing Code, ANSI A40 1993.

LB 438 (Howard):

Date of Public Hearing: 2/01/11

Bill Summary:

LB 438 amends Neb.Rev.Stat. §18-1741.02 to increase the handicapped parking infraction fine to not more than \$1000.00 for each offense, and eliminates the subsequent offense language and fine increases.

The law currently requires a fine of not more than \$150.00 for a first offense, not more than \$300.00 for a second offense, and not more than \$500.00 for a third or subsequent offense within a one-year period.

LB 55 (Mello):

Date of Public Hearing: 2/15/11

Bill Summary:

This bill would have amended the same sections of statute as LB 329 (Cook).

LB 55 amends Neb.Rev.Stat. §§72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, and 81-1614 by changing all references in statute from the 2003 International Energy Conservation Code to the 2009 version of the code.

Section 1 of the bill applies the 2009 update to the code to any new state building, and to any new lighting, heating, cooling, ventilating or water heating equipment, and any new building envelope components in state owned buildings.

Section 2 requires the 2009 version of the code to apply to all new buildings constructed in whole or in part with state funds after the effective date of this act.

Section 3 of the bill exempts buildings subject to section 72-804 from enforcement provisions of Chapter 1 of the 2009 International Energy Code.

Section 4 is amending §81-1608, the statute dealing with Legislative Findings on Uniform Energy Efficiency Standards, to adopt the 2009 version of the International Energy Code.

Section 5 changes subsection (9) of §81-1609 to update the definition of Nebraska Energy Code from the 2003 International Energy Code to the 2009 version of that code.

Section 6 adopts the 2009 International Energy Conservation Code as the Nebraska Energy Code.

Section 2 and Section 6 of the bill also update the application of the code from July 1, 2005, to the effective date of the act.

Committee Interim Study Resolutions

LR 209 (Urban Affairs): Resolution to study all of the building codes in Nebraska, including, but not limited to, the state building code, the state plumbing code, the Nebraska Energy Code, the state electrical code, and to work towards the development of a consistent, long term policy for code adoption and enforcement in the state. The committee specifically intends to explore the following areas: 1) the current method of code adoption and amendment by political subdivisions, the ability or difficulty of code adoption at the local level, and statutory harmonization of local procedures of code adoption, amending procedures, and enforcement; 2) other states' methods or policies on code adoption; 3) the current method of code adoption in Nebraska and any potential issues with unconstitutional delegation of legislative authority that exist in statute, as discussed in *Clemens v. Harvey*, 247 Neb. 77 (1994); and 4) the compatibility of the International Energy Conservation Code and the International Residential Code, and which code takes priority on any conflicting sections of these codes.

LR 227 (Hadley): Interim study to examine whether the State of Nebraska should adopt a comprehensive plumbing code applicable to all jurisdictions that could enforce the comprehensive plumbing code. The interim study shall determine whether a comprehensive plumbing code, if adopted, should be enforced by local or state inspectors or by a state inspection system. The interim study report should include a recommendation as to whether any jurisdiction should be allowed to continue to adopt a local plumbing code if the jurisdiction adopts a local plumbing code that meets the minimum requirements specified by the comprehensive plumbing code. This interim study should include a review of the costs of administrative changes necessary to implement and enforce any recommended changes to the current system of plumbing code enforcement in the State of Nebraska.

LR 203 (Mello): Interim study to examine issues surrounding vacant residential and commercial properties. This study shall include an examination of current tools available to Nebraska Municipalities to address vacant residential and commercial properties as well as a comparative study of tools available to municipalities in other states.

LR 207 (Dubas): Resolution to study the formation and governance of sanitary and improvement districts.

LR 225 (Mello): Interim study to examine the issues surrounding the conversion of municipal street lighting systems to light-emitting diode (LED) lighting systems. This study shall include an examination of potential funding sources for municipalities to convert their existing street lighting systems to LED lighting systems, as well as potential economic, environmental, and public-power ratepayer benefits of converting to LED lighting.

LR 263 (Mello): Interim study to examine municipal, state, and federal programs available to assist with job creation in the manufacturing sector in the State of Nebraska. The issues addressed by this interim study shall include, but not be limited to: 1) a review of existing tax credits, tax exemptions, workforce development programs, international trade, and economic development programs in Nebraska and their effect on the manufacturing sector; 2) a review of tax credits, tax exemptions, workforce development programs, international trade, and economic development programs used in other states to create jobs in the manufacturing sector; and 3) an examination of possible statutory changes to existing municipal and state programs that could assist with job creation in the manufacturing sector.

LR 338 (Urban Affairs): Resolution to examine the boundaries and taxing authority of transit authorities.

LR 241 (Mello): Interim study to examine issues surrounding the Nebraska Redevelopment Act. The issues addressed by this interim study shall include, but not be limited to: 1) a review of applications made under the act prior to February 1, 2000; 2) an examination of potential changes to modernize the act; and 3) a comparison of the tax increment financing provisions in the act to provisions in the Community Development Law.