

URBAN AFFAIRS COMMITTEE

NEBRASKA LEGISLATURE

SUMMARY OF 2019 LEGISLATION

One Hundred Sixth Legislature First Session

Committee Members

Senator Justin Wayne, Chairperson, District 13
Senator Megan Hunt, Vice-Chairperson, District 8
Senator John Arch, District 14
Senator Tom Briese, District 41
Senator Sue Crawford, District 45
Senator Matt Hansen, District 26
Senator John Lowe, District 37

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**LIST OF BILLS AND RESOLUTIONS REFERENCED TO THE
URBAN AFFAIRS COMMITTEE**

One Hundred Sixth Legislature, First Session

- LB 11** (Blood) Provide for interlocal agreements regarding nuisances
Enacted (page 7)
- LB 23** (Kolterman) Change the Property Assessed Clean Energy Act
Enacted (page 7)
- LB 57** (Morfeld) Prohibit regulation of short-term rentals and provide for
taxation agreements
Enacted (page 8)
- LB 66** (Hansen) Provide for an early childhood element in a comprehensive plan
developed by a city
General File (page 18)
- LB 67** (Hansen) Change provisions relating to determination of municipality
population thresholds and references to cities, villages, and governing
bodies
Enacted (page 8)
- LB 68** (Hansen) Change provisions of the Business Improvement District Act as
prescribed
General File (page 18)
- LB 85** (Wayne) Provide for a rental housing inspection program for a city of the
metropolitan class or a city of the primary class
General File (pages 18-19)
- LB 87** (Wayne) Provide funding in opportunity zones designated pursuant to
federal law
Enacted (page 8)
- LB 95** (Wayne) Change applicability provisions for building codes
Held in Committee (page 22)
- LB 96** (Wayne) Change local building code provisions
Enacted (page 9)

- LB 107** (Dorn) Change provisions relating to city and village plumbing boards and change a penalty
General File (pages 19-20)
- LB 121** (Crawford) Change provisions on limits on indebtedness from direct borrowing by cities and villages
Enacted (page 9)
- LB 124** (Crawford) Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act
Enacted (page 9)
- LB 130** (DeBoer) Adopt radon resistant new construction requirements
Enacted (page 10)
- LB 136** (Wayne) Adopt the Density Bonus and Inclusionary Housing Act
Held in Committee (page 22)
- LB 160** (Quick) Include early childhood infrastructure development and early childhood care and education programs under the Local Option Municipal Economic Development Act for certain cities and villages
Enacted (pages 10-11)
- LB 193** (Urban Affairs Committee) Change provisions related to cities of particular classes and villages, correct and include references as prescribed, and eliminate obsolete provisions and repeal definitions
Enacted (page 11)
- LB 194** (Urban Affairs Committee) Change provisions relating to cities of the first class as prescribed
Enacted (page 11)
- LB 195** (Urban Affairs Committee) Correct statutory references relating to the State Fire Code
Enacted (page 12)
- LB 196** (Urban Affairs Committee) Change provisions relating to notice of certain zoning matters in cities of the metropolitan class and for hearings under the Business Improvement District Act
Enacted (page 12)

- LB 197** (Urban Affairs Committee) Provide a procedure for detachment of real property from the corporate limits of a city or village and eliminate existing detachment provisions
Held in Committee (page 22)
- LB 234** (Wayne) Provide requirements for payment of claims by cities and villages
Held in Committee (page 22)
- LB 317** (Kolterman) Eliminate Public Service Commission inspection authority under the Nebraska Uniform Standards for Modular Housing Units Act and eliminate applicability and references to manufactured homes under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles and rename the code
Held in Committee (page 23)
- LB 348** (Quick) Adopt changes to the state building code
Enacted (pages 12-13)
- LB 405** (Hunt) Adopt updates to building and energy codes
Enacted (page 13)
- LB 409** (Kolowski) Adopt design standards for health care facilities
Enacted (page 13)
- LB 424** (Quick) Change the Nebraska Municipal Land Bank Act
General File (page 20)
- LB 445** (McDonnell) Require cities and villages to provide annual reports relating to occupation taxes as prescribed
Enacted (page 14)
- LB 476** (McCollister) Eliminate a sunset provision relating to certain retail sales of natural gas by a metropolitan utilities district
Enacted (page 14)
- LB 492** (Wayne) Adopt the Regional Metropolitan Transit Authority Act
Enacted (page 15)
- LB 520** (McDonnell) Provide requirements for safety standards and operating procedures for road construction and maintenance in cities of the metropolitan class
General File (page 21)

- LB 564** (Bolz) Change the Civic and Community Center Financing Act
Enacted (page 16)
- LB 574** (Brewer) Change a provision relating to regular meetings of a
metropolitan utilities district
Indefinitely Postponed (page 25)
Portions/Provisions of LB 574 were amended into LB 411
- LB 648** (Wayne) Change the Community Development Law
Held in Committee (page 23)
- LB 721** (Lindstrom) Provide for insurance eligibility for spouses and dependents
of deceased or disabled firefighters of cities of the first-class
Held in Committee (pages 23-24)
- LB 731** (Hunt) Change provisions relating to new or updated comprehensive
plans adopted by municipalities
General File (page 21)
- LR 14CA** (Wayne) Constitutional amendment to authorize municipalities to pledge
property taxes for up to twenty years if more than one-half of the property
in a redevelopment project is extremely blighted
Enacted (page 17)

BILL SUMMARIES: BILLS ENACTED

LB 11 (Blood) Provide for interlocal agreements regarding nuisances

LB 11 clarifies that municipalities have the authority to enter into an interlocal agreement with a county in which the extra-territorial zoning jurisdiction (ETJ) of the municipality is located to provide for joint and cooperative action to abate, remove, or prevent nuisances within such ETJ.

LB 23 (Kolterman) Change the Property Assessed Clean Energy Act

LB 23 amends the Property Assessed Clean Energy (PACE) Act to make a number of changes, including: 1) authorizing the use of PACE to retroactively finance energy efficiency improvements and renewable energy systems already in place; 2) changing legislative findings to state that PACE is an economic development incentive; 3) Eliminating the requirement that the energy savings generated by a PACE project exceed the cost of the project; and 4) providing that verification that a renewable energy system or energy efficiency improvement was properly installed and is operating as intended may be obtained at any time, not just after the PACE project is complete.

The committee amendment, AM 795, made a number of changes to the bill, including: 1) eliminating provisions that would have allowed the use of PACE to retroactively finance energy efficiency improvements and renewable energy systems already in place; 2) adding new public purpose language in the PACE Act; 3) changing the classification of co-generation and tri-generation systems under the Act from a renewable energy resource to an energy efficiency improvement; and 4) retaining the requirement that the energy savings generated by a PACE project exceed the cost of the project, but providing that a municipality may waive the requirement on a case-by-case basis.

LB 23 contains the Emergency Clause.

LB 57 (Morfeld) Prohibit regulation of short-term rentals and provide for taxation agreements

LB 57 prohibits municipalities from adopting or enforcing ordinances or other regulations that expressly or effectively prohibit the short-term rental of residential properties and restricts the ability of municipalities to regulate residential properties used as short-term rentals.

LB 57 also provides that the Tax Commissioner may enter into an agreement with an online hosting platform for short-term rentals to permit the online hosting platform to collect and remit applicable sales taxes on behalf of sellers or hotel operators otherwise required to collect such taxes for transactions consummated through the online hosting platform.

LB 67 (Hansen) Change provisions relating to determination of municipality population thresholds and references to cities, villages, and governing bodies

LB 67 clarifies references to municipal population thresholds, providing that such thresholds are met based on either the most recent federal decennial census or the most recent revised certified count by the United State Bureau of the Census.

LB 67 also corrects a provision which inadvertently excludes cities with certain exact populations from receiving grants under the Civic and Community Center Financing Act.

LB 87 (Wayne) Provide funding in opportunity zones designated pursuant to federal law

LB 87 requires that the Department of Economic Development provide a preference under the Affordable Housing Trust Fund, the Business Innovation Act, the Job Training Cash Fund, and the Site and Building Development Fund to projects and businesses located in whole or in part within an opportunity zone designated pursuant to the federal Tax Cuts and Jobs Act.

LB 96 (Wayne) Change local building code provisions

LB 96 makes the state building code a default code, so that the state building code becomes applicable in any county, city, or village that does not adopt a local building or construction code within two years after an update to the state building code.

The committee amendment, AM 497, clarified that the default building code would not apply to construction on a farm or for farm purposes.

LB 121 (Crawford) Change provisions on limits on indebtedness from direct borrowing by cities and villages

LB 121 changes the limitations on the ability of municipalities to borrow directly from financial institutions. The bill makes four changes: 1) limiting the term of a direct loan to seven years; 2) increasing the cap on direct borrowing by a city of the second class from 10% of the municipal budget to 20% of the municipal budget; 3) providing that the amount of any direct loan which applies to the cap on direct borrowing shall be the total amount of the outstanding loan balance divided by the remaining number of years over which the loan is to be repaid; and 4) measuring the amount of any direct loan as of the date the ordinance or resolution providing for the direct borrowing is approved.

LB 124 (Crawford) Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act

LB 124 clarifies the ability of counties, cities, and villages to form joint clean energy assessment districts under the Property Assessed Clean Energy (PACE) Act.

The committee amendment, AM 199, harmonized the bill with other provisions of the PACE Act governing clean energy assessment district boundaries.

On Select File, the bill was further amended with AM 405, which added the Emergency Clause to the bill.

LB 130 (DeBoer) Adopt radon resistant new construction requirements

LB 130 adopts minimum standards for radon resistant new construction and incorporates such standards as part of the state building code. The bill codifies the recommendations made to the Legislature by the Radon Resistant New Construction Task Force in 2018.

LB 130 also repeals provisions related to the Radon Resistant New Construction Task Force, which terminated on May 1, 2018.

The committee amendment, AM 298, struck language relating to local building or construction codes with minimum standards that exceed the standards adopted under the bill and corrected statutory references to the Engineers and Architects Regulation Act.

On Select File, the bill was further amended with AM 1107, which created an exemption from the minimum standards for radon resistant new construction if the construction project is located in a county in which the average radon concentration is less than two and seven-tenths picocuries per liter of air as determined by the Department of Health and Human Services.

AM 1107 also required that on or before January 1, 2020 and annually thereafter, the Department of Health and Human Services compile the results of radon measurements performed in the state and reported to the department over the previous five years and report such compilation to the Legislature. The report shall determine the average radon concentration in Nebraska by county and identify each county in which such average concentration exceeds two and seven-tenths picocuries per liter of air.

LB 160 (Quick) Include early childhood infrastructure development and early childhood care and education programs under the Local Option Municipal Economic Development Act for certain cities and villages

LB 160 authorizes cities of the first class, cities of the second class, and villages to make grants and loans under the Local Option Municipal Economic Development Act (commonly referred to as LB 840) for early childhood infrastructure development.

On General File, the bill was amended with FA 6, which eliminated requirements that LB 840 funds could only be used for early childhood care and education programs of a certain quality under the Step Up to Quality Child Care Act.

On Select File, the bill was further amended with AM 407, which eliminated the definition of early childhood infrastructure development in the bill.

LB 193 (Urban Affairs Committee) Change provisions related to cities of particular classes and villages, correct and include references as prescribed, and eliminate obsolete provisions and repeal definitions

LB 193 modernizes and updates statutes governing some, but not all, classes of municipalities.

The bill amends sections of statute in Chapter 19 to make a variety of “clean-up” changes, including: 1) alphabetizing terms; 2) changing and correcting terminology; 3) changing subject-verb agreement; 4) clarifying provisions related to the commission plan or city manager plan of government; 5) clarifying references to cities’ or villages’ extraterritorial zoning jurisdiction (ETJ); 6) clarifying references to business improvement districts or offstreet parking districts; 7) clarifying references to legal newspapers; 8) correcting references to city or village officials; 9) correcting gender references; 10) correcting internal statutory references; 11) eliminating run-on sentences; 12) harmonizing references to other statutory sections within Chapter 19; and 13) replacing or eliminating antiquated, obsolete, or unnecessary language.

On Select File, the bill was amended with AM 87, which made several technical changes to the bill.

LB 194 (Urban Affairs Committee) Change provisions relating to cities of the first class as prescribed

LB 194 amends a number of sections of statute in Chapter 16 governing cities of the first class to clarify that those sections only apply to cities of the first class.

LB 195 (Urban Affairs Committee) Correct statutory references relating to the State Fire Code

LB 195 updates and corrects statutory references to the State Fire Code.

LB 196 (Urban Affairs Committee) Change provisions relating to notices of certain zoning matters in cities of the metropolitan class and for hearings under the Business Improvement District Act

LB 196 updates the requirements for municipalities to provide public notices to neighborhood associations which register with the municipality to receive planning notices.

Under the bill, neighborhood association notice provisions for zoning changes in cities of the metropolitan class and for hearings under the Business Improvement District Act would mirror neighborhood association notice provisions under the Community Development Law.

LB 348 (Quick) Adopt changes to the state building code

LB 348 updates the state building code by adopting the 2018 edition of the following codes: 1) the International Building Code (IBC), which covers all new construction except one- and two-family dwellings; 2) the International Residential Code (IRC), which covers new construction of one- and two-family dwellings; and 3) the International Existing Building Code (IEBC), which covers repair, alteration, addition, and change of occupancy for existing buildings.

The bill retains three current exceptions contained in the state building code. First, LB 348 does not adopt Chapter 13 of the 2018 IBC and Chapter 11 of the 2018 IRC, which correspond with the 2018 International Energy Conservation Code (IECC). The current state energy code is the 2009 IECC, and the energy code provisions were amended in another bill heard by the committee, LB 405.

Second, LB 348 also does not adopt Section R313 of the 2018 IRC, which requires that new one- and two-family dwellings and townhouses include

a fire sprinkler system. Under the bill, the state building code would continue to exclude the residential fire sprinkler mandate, but political subdivisions would retain the ability to opt-in to the fire sprinkler mandate.

Finally, LB 348 retains the change to occupancy classifications in the 2018 IBC which relate to in-home daycares and in-home care facilities. Under the bill, the occupancy provisions would continue to apply to facilities for or having twelve or fewer occupants.

LB 405 (Hunt) Adopt updates to building and energy codes

LB 405 updates the Nebraska Energy Code by adopting the 2018 edition of the International Energy Conservation Code (IECC).

LB 405 also requires that any county, city, or village which amends or modifies its local building or construction code to delete provisions of the Nebraska Energy Code notify the State Energy Office of such amendment or modification within thirty days.

LB 405 contains an operative date of July 1, 2020.

LB 409 (Kolowski) Adopt design standards for health care facilities

LB 409 adopts the 2018 Guidelines for Design and Construction of Hospitals, the 2018 Guidelines for Design and Construction of Outpatient Facilities, and the 2018 Guidelines for Design and Construction of Residential Health, Care, and Support Facilities, published by the Facilities Guidelines Institute (FGI).

Under LB 409, the adopted guidelines would apply to the construction of any new health care facility and any major addition, remodeling, restoration, repair, or renovation of any health care facility as determined by the Department of Health and Human Services.

The committee amendment, AM 221, provided that for nursing homes, the 2018 editions of the FGI guidelines would only apply to new construction.

LB 445 (McDonnell) Require cities and villages to provide annual reports relating to occupation taxes as prescribed

LB 445 requires that cities of the metropolitan class provide an annual report on the collection and use of any occupation tax levied and collected under its adopted budget.

The committee amendment, AM 520, struck the original sections of the bill and replaced them with the following provisions:

The amendment provided that no later than sixty days after the end of the fiscal year, each municipality that imposes an occupation tax shall provide an annual report on the collection and use of such occupation tax. The report shall be posted on the municipality's public web site or made available for public inspection at a location designated by the municipality.

On General File, the bill was further amended with AM 641, which changed the reporting deadline from no later than sixty days after the end of the fiscal year to no later than ninety days after the end of the fiscal year.

LB 476 (McCollister) Eliminate a sunset provision relating to certain retail sales of natural gas by a metropolitan utilities district

LB 476 eliminates a sunset provision related to the retail sale of natural gas by a metropolitan utilities district (MUD).

As a payment in lieu of taxes (sometimes referred to as a PILOT), MUD is generally required to pay any municipality in which it sells water, natural gas, or both, a sum equivalent to 2% of the annual gross revenue derived from all retail sales of water, gas, or both sold within such municipality. Retail sales of natural gas used as a vehicular fuel are currently exempt from this requirement, and LB 476 repeals the sunset provision of this exemption from the PILOT requirement.

(Wayne) Adopt the Regional Metropolitan Transit Authority Act

LB 492 adopts the Regional Metropolitan Transit Authority Act. Under the Act, a municipality or group of municipalities within a metropolitan statistical area (MSA) may create a regional metropolitan transit authority (RMTA). The Act also provides a process by which an existing transit authority created under the Transit Authority Law could convert into a RMTA.

Each RMTA created under the Act would be governed by a seven-member elected board, and would generally have the same powers of a transit authority created under the Transit Authority Law.

The committee amendment AM 628, made a series of changes to the bill, including: 1) limiting the Act to existing transit authorities converting into a RMTA; 2) clarifying and defining the operating jurisdiction of RMTAs; 3) clarifying the conversion of an existing transit authority into a RMTA; 4) eliminating provisions for removal of RMTA board members; 5) updating references to the public records statutes; 6) clarifying that a RMTA may still contract to provide transit service outside of its operating jurisdiction; 7) clarifying that a RMTA may receive donations and other miscellaneous funds from other sources; 8) allowing a RMTA to direct excess funds to either operating funds or reserve funds; 9) providing that the conversion of an existing transit authority into a RMTA does not alter existing collective bargaining agreements or employee relationships; 10) repealing the process that purports to allow the creation of regional transit authorities under the Transit Authority Law; and 11) harmonizing provisions.

On General File, the bill was further amended with AM 1657, which made two additional changes to the bill. The amendment allowed municipalities located within either the same MSA or combined statistical area as a RMTA to elect to join the RMTA and provided a procedures for a municipality that has joined a RMTA to leave that RMTA.

LB 492 was returned by the Governor without his approval on May 30, 2018. A motion to override the gubernatorial veto was adopted on May 31, 2018.

(Bolz) Change the Civic and Community Center Financing Act

LB 564 amends the Civic and Community Center Financing Act (CCCFA) to make a number of changes, including: 1) defining eligible facilities under the CCCFA; 2) replacing the term “community center” with the term “public space”; 3) eliminating requirements that facilities be owned by a municipality in order to be eligible to receive CCCFA funds; 4) expanding the definition of historic building or district; 5) allowing grants under the CCCFA to be utilized for the preservation and restoration of historic buildings or districts; 6) allowing projects receiving grants under the CCCFA to be located within the extraterritorial zoning jurisdiction (ETJ) of a city of the first class, city of the second class, or village; 7) allowing eligible facilities that are jointly owned by a municipality and either a non-profit entity or county to receive grant funds under the CCCFA; and 8) striking the requirement that municipalities be notified why their application for grant funding was not fully funded.

The committee amendment, AM 1276, made a series of changes to the bill, including: 1) allowing eligible facilities that are jointly owned by a municipality and another political subdivision, rather than facilities jointly owned by a municipality and a non-profit entity, to receive grant funds under the CCCFA; 2) requiring that grants under the CCCFA for preservation, restoration, conversion, rehabilitation, or reuse of historic buildings or districts be reviewed by the State Historical Preservation Officer; 3) restoring requirements that facilities be owned by a municipality in order to be eligible to receive CCCFA funds and that municipalities be notified why their application for grant funding was not fully funded; 4) allowing grants under the CCCFA to be utilized for the construction of public spaces; 5) adding a definition of “political subdivision”; 6) striking existing language that potentially violates Article XIII, Section 3 of the Nebraska State Constitution; and 7) harmonizing provisions.

RESOLUTION SUMMARIES: RESOLUTIONS ENACTED

LR 14CA (Wayne) Constitutional amendment to allow cities and villages to pledge taxes relating to a redevelopment project for up to twenty years if area is extremely blighted

LR 14CA proposes an amendment to Article VIII, Section 12 of the Nebraska State Constitution to authorize the Legislature to extend the maximum length of time for the repayment of indebtedness related to tax-increment financing (TIF). Under the resolution, the Legislature could extend the repayment period from 15 years to 20 years if more than one-half of the property in the project area is designated as extremely blighted.

On Select File, the resolution was amended with AM 1255, which clarified that areas will be designated as extremely blighted due to a high rate of unemployment combined with a high poverty rate as determined by law.

The proposed amendment will be submitted to the voters at the general election in November 2020.

BILL SUMMARIES: BILLS ON GENERAL FILE

LB 66 (Hansen) Provide for an early childhood element in a comprehensive plan developed by a city

LB 66 requires that cities include an early childhood element in their comprehensive plans no later than January 1, 2022, either when adopting a new comprehensive plan or updating an existing comprehensive plan.

The committee amendment, AM 56, clarified that the January 1, 2022 date is a deadline and not a sunset clause.

During General File debate on LB 66, the committee amendment was not adopted, and the bill failed to advance from General File.

LB 68 (Hansen) Change provisions of the Business Improvement District Act as prescribed

LB 68 allows cities to amend ordinances governing business improvement districts (BIDs) to change BID boundaries or change the functions or provisions of an existing BID. Currently, cities can only amend BID ordinances to expand the boundaries of an existing BID.

LB 68 also makes a number of clean-up and technical changes to the Business Improvement District Act.

The committee amendment, AM 334, struck several sections in the bill which were wholly contained in another bill heard by the committee, LB 193.

LB 85 (Wayne) Provide for a rental housing inspection program for a city of the metropolitan class or a city of the primary class

LB 85 requires that each city of the metropolitan class or city of the primary class adopt a rental housing inspection program to help enforce local building codes on residential rental properties within the city.

Under the bill, residential rental properties would generally be required to register with the city and be inspected at least once every three years.

Under LB 85, cities would have the option to charge registration fees to help cover the cost of the inspections, provide for less frequent inspections of properties with a history of code compliance, and conduct random sampling inspections on multi-unit residential rental properties.

The committee amendment, AM 66, made a series of changes to the bill, including: 1) providing that the bill does not apply to cities of the primary class; 2) creating a three-year phase-in for the landlord registry and inspection program; 3) excluding new construction from the inspection requirements for five years after construction is completed; 4) excluding buildings that are otherwise regularly inspected due to other state or federal requirements from the inspection requirements; 5) providing that only properties owned by a housing authority would be exempt from the registration requirements; 6) allowing the city to consider history of code compliance when establishing any registration fees; 7) adding legislative findings regarding the enforcement of local building codes being a matter of state concern; and 8) allowing the city to establish an escrow account where monthly rental fees are deposited for units found to be in code violation and held in escrow until such units are code compliant.

LB 107 (Dorn) Change provisions relating to city and village plumbing boards and change a penalty

LB 107 updates and modernizes the statutes governing municipal plumbing boards. The bill makes a variety of clean-up changes, including: 1) extending the term of office for plumbers serving on plumbing boards from three years to four years; 2) eliminating the requirement that plumbing boards be appointed in August of each year; 3) eliminating the requirement that plumbing boards meet every two weeks and requiring that plumbing boards meet at least once each year; 4) allowing fees for plumbing licenses and variances to be set by the city council or village board of trustees; 5) increasing fine amounts for violations of the plumbing board statutes; and 6) providing that municipalities may apply other applicable regulations, such as continuing education requirements, as part of plumbing licensing.

The committee amendment, AM 356, required that a plumbing board call a meeting upon written request of a license applicant, licensee, or member of the plumbing board within four weeks of such written request.

AM 356 also provided that the cost of licensing fees shall not exceed the cost of the licensing program.

LB 424 (Quick) Change the Nebraska Municipal Land Bank Act

LB 424 amends the Nebraska Municipal Land Bank Act to make a number of changes, including: 1) enabling any municipality in the state to create a land bank; 2) requiring that all land banks other than one formed by a city of the metropolitan class must be a joint land bank; 3) establishing procedures for the removal of land bank board members; 4) increasing the number of factors that must be met before a land bank may submit an automatically accepted bid in tax foreclosure sales; 5) providing that factors that must be met for a land bank to submit an automatically accepted bid must apply to major buildings, and not just any building; 6) requiring city council or village board of trustees approval of non-voting land bank board members; 7) limiting the amount of commercial property that a land bank can hold legal title to; 8) increasing the total number of parcels within a city of the first class, city of the second class, or village that a land bank can hold legal title to; 9) providing procedures for municipalities to join an existing land bank; 10) clarifying that land banks do not have property tax levy authority; 11) removing the requirement that joint land banks contain at least one voting member from each district or ward in the largest municipality that formed the land bank; 12) adding a definition of “chief executive officer”; 13) clarifying that land banks may enter into agreements under the Interlocal Cooperation Act for the joint administration of multiple land banks; and 14) transferring the Act from Chapter 19 to Chapter 18.

The committee amendment, AM 509, provided that a city of the primary class may create a land bank without having to form a joint land bank.

During General File debate on LB 424, a motion to invoke cloture and cease debate on the bill failed.

LB 520 (McDonnell) Provide requirements for safety standards and operating procedures for road construction and maintenance in cities of the metropolitan class

LB 520 requires that beginning January 1, 2020, cities of the metropolitan class must update their safety standards and operating procedures for road construction and maintenance on an annual basis. Under the bill, the safety standards and operating procedures shall include, but not be limited to, provisions governing the number of vehicles and employees needed at a given time to safely complete a project.

LB 731 (Hunt) Change provisions relating to new or updated comprehensive plans adopted by municipalities

LB 731 repeals the statutory deadlines for cities to include an energy element in their comprehensive plans. These deadline passed on January 1, 2015.

The committee amendment, AM 607, also repealed the statutory deadline for counties to include an energy element in their comprehensive plans. This deadline also passed on January 1, 2015.

BILL SUMMARIES: BILLS HELD IN COMMITTEE

LB 95 (Wayne) Change applicability provisions for building codes

LB 95 requires that for the construction or repair of state-owned buildings beginning on or after January 1, 2020, state agencies comply with local building and construction codes to the extent that such codes meet or exceed the standards of the state building code. Currently, state agencies are only required to comply with the state building code.

LB 136 (Wayne) Adopt the Density Bonus and Inclusionary Housing Act

LB 136 adopts the Density Bonus and Inclusionary Housing Act. The Act is designed to incentivize affordable housing projects in cities of the metropolitan class, cities of the primary class, and cities of the first class by providing residential density increases and regulatory concessions and incentives for housing developments that include a certain percentage of income-restricted rental units for low-income or very low-income residents.

LB 197 (Urban Affairs Committee) Provide a procedure for detachment of real property from the corporate limits of a city or village and eliminate existing detachment provisions

LB 197 establishes uniform procedures for the detachment of territory from the corporate limits of municipalities. Under the bill, the procedure for the detachment of territory for all classes of municipalities would mirror the current process for cities of the first class.

LB 234 (Wayne) Provide requirements for payment of claims by cities and villages

LB 234 requires that municipalities provide payment of claims to small businesses on or before the fifteenth day after the later of the day either the items were furnished or the services were rendered or the bill was received for the items or services.

LB 317 (Kolterman) Eliminate Public Service Commission inspection authority under the Nebraska Uniform Standards for Modular Housing Units Act and eliminate applicability and references to manufactured homes under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles and rename the code

LB 317 eliminates the inspection authority of the Nebraska Public Service Commission over manufactured homes under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles and modular homes under the Nebraska Uniform Standards for Modular Housing Units Act.

LB 648 (Wayne) Change the Community Development Law

LB 648 amends the Community Development Law to extend the maximum length of time for the repayment of indebtedness related to tax-increment financing (TIF) in certain cases. Under the bill, if more than one-half of the property in the project area is designated as extremely blighted, the maximum repayment period would be extended from 15 years to 20 years.

Currently, Article VIII, Section 12 of the Nebraska State Constitution sets the maximum TIF repayment period at 15 years. A proposed constitutional amendment to extend the repayment period from 15 years to 20 years if more than one-half of the property in the project area is designated as extremely blighted, LR 14CA, was enacted by the Legislature. LB 648 would implement the provisions of LR 14CA if the proposed constitutional amendment is approved by the voters.

LB 648 would also provide procedures for a municipality to declare an area “extremely blighted” under the Community Development Law.

LB 721 (Lindstrom) Provide for insurance eligibility for spouses and dependents of deceased or disabled firefighters of cities of the first class

LB 721 allows disabled firefighters in cities of the first class or surviving spouses of deceased firefighters in cities of the first class to participate in group health insurance or other coverage offered by the city in the same

manner as active employees. Under the bill, the disabled firefighter or surviving spouse would pay the same premium and receive the same coverage on the same terms as if the firefighter remained actively employed.

BILL SUMMARIES: BILLS INDEFINITELY POSTPONED

LB 574 (Brewer) Change a provision relating to regular meetings of a metropolitan utilities district

LB 574 eliminates the requirement that the board of directors of the metropolitan utilities district (MUD) meet on the first Wednesday of each month. Under the bill, the MUD board shall designate the date each month that the board would hold its meetings.

The committee amendment, AM 505, added the Emergency Clause to the bill.

Portions/Provisions of LB 574 were amended into LB 411, an omnibus bill that was heard by the Government, Military, and Veterans Affairs Committee.

LIST OF 2019 URBAN AFFAIRS COMMITTEE INTERIM STUDIES

One Hundred Sixth Legislature, First Session

- LR 111 (Urban Affairs Committee) Interim study to examine issues under the jurisdiction of the Urban Affairs Committee
- LR 112 (Urban Affairs Committee) Interim study to examine the statutes governing cities of the primary class
- LR 119 (Urban Affairs Committee) Interim study to examine issues related to the disconnection or detachment of territory from the corporate limits of municipalities
- LR 126 (Hunt) Interim study to examine issues related to urban development in municipalities
- LR 130 (Wayne) Interim study to examine issues related to density bonuses and other non-monetary regulatory incentives in municipal zoning ordinances
- LR 131 (Wayne) Interim study to examine issues related to the regulation of solar energy by municipalities and sanitary and improvement districts
- LR 132 (Wayne) Interim study to examine issues related to plumbing codes
- LR 140 (Kolowski) Interim study to examine the roles and guidelines of homeowners' associations
- LR 145 (Hunt) Interim study to examine the financing of energy efficiency and renewable energy improvements on single-family residential property under the Property Assessed Clean Energy Act
- LR 155 (Wayne) Interim study to examine issues related to municipalities that border another state
- LR 165 (McDonnell) Interim study to examine issues related to municipal firefighting and emergency medical services
- LR 240 (Cavanaugh) Interim study to review municipal rental housing inspection programs

**INDEX OF 2018 URBAN AFFAIRS COMMITTEE BILLS AND RESOLUTIONS
BY SUBJECT**

One Hundred Fifth Legislature, Second Session

Building Codes

- LB 85** (Wayne) Provide for a rental housing inspection program for a city of the metropolitan class or a city of the primary class
- LB 95** (Wayne) Change applicability provisions for building codes
- LB 96** (Wayne) Change local building code provisions
- LB 130** (DeBoer) Adopt radon resistant new construction requirements
- LB 195** (Urban Affairs Committee) Correct statutory references relating to the State Fire Code
- LB 348** (Quick) Adopt changes to the state building code
- LB 405** (Hunt) Adopt updates to building and energy codes
- LB 409** (Kolowski) Adopt design standards for health care facilities

Business Improvement Districts (BIDs)

- LB 68** (Hansen) Change provisions of the Business Improvement District Act as prescribed
- LB 193** (Urban Affairs Committee) Change provisions relating to cities of particular classes and villages, correct and include references as prescribed, and eliminate obsolete provisions and repeal definitions
- LB 196** (Urban Affairs Committee) Change provisions relating to notice of certain zoning matters in cities of the metropolitan class and for hearings under the Business Improvement District Act

Enterprise Zones

LB 87 (Wayne) Provide funding in opportunity zones designated pursuant to federal law

Land Banking

LB 424 (Quick) Change the Nebraska Municipal Land Bank Act

Local Option Municipal Economic Development Act (LB 840)

LB 160 (Quick) Include early childhood infrastructure development and early childhood care and education programs under the Local Option Municipal Economic Development Act for certain cities and villages

Mass Transit Authorities

LB 492 (Wayne) Adopt the Regional Metropolitan Transit Authority Act

Metropolitan Utilities District (MUD)

LB 476 (McCollister) Eliminate a sunset provision relating to certain retail sales of natural gas by a metropolitan utilities district

LB 574 (Brewer) Change a provision relating to regular meetings of a metropolitan utilities district

Modular & Manufactured Homes

LB 317 (Kolterman) Eliminate Public Service Commission inspection authority under the Nebraska Uniform Standards for Modular Housing Units Act and eliminate applicability and references to manufactured homes under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles and rename the code

Municipalities

- LB 11** (Blood) Provide for interlocal agreements regarding nuisances
- LB 57** (Morfeld) Prohibit regulation of short-term rentals and provide for taxation agreements
- LB 66** (Hansen) Provide for an early childhood element in a comprehensive plan developed by a city
- LB 67** (Hansen) Change provisions relating to determination of municipality population thresholds and references to cities, villages, and governing bodies
- LB 107** (Dorn) Change provisions relating to city and village plumbing boards and change a penalty
- LB 121** (Crawford) Change provisions on limits on indebtedness from direct borrowing by cities and villages
- LB 136** (Wayne) Adopt the Density Bonus and Inclusionary Housing Act
- LB 193** (Urban Affairs Committee) Change provisions relating to cities of particular classes and villages, correct and include references as prescribed, and eliminate obsolete provisions and repeal definitions
- LB 194** (Urban Affairs Committee) Change provisions relating to cities of the first class as prescribed
- LB 196** (Urban Affairs Committee) Change provisions relating to notice of certain zoning matters in cities of the metropolitan class and for hearings under the Business Improvement District Act
- LB 197** (Urban Affairs Committee) Provide a procedure for detachment of real property from the corporate limits of a city or village and eliminate existing detachment provisions
- LB 234** (Wayne) Provide requirements for payment of claims by cities and villages
- LB 445** (McDonnell) Require cities and villages to provide annual reports relating to occupation taxes as prescribed

- LB 520** (McDonnell) Provide requirements for safety standards and operating procedures for road construction and maintenance in cities of the metropolitan class
- LB 564** (Bolz) Change the Civic and Community Center Financing Act
- LB 721** (Lindstrom) Provide for insurance eligibility for spouses and dependents of deceased or disabled firefighters of cities of the first class
- LB 731** (Hunt) Change provisions relating to new or updated comprehensive plans adopted by municipalities

Property Assessed Clean Energy (PACE)

- LB 23** (Kolterman) Change the Property Assessed Clean Energy Act
- LB 124** (Crawford) Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act

Tax-Increment Financing (TIF)

- LB 648** (Wayne) Change the Community Development Law
- LR 14CA** (Wayne) Constitutional amendment to authorize municipalities to pledge property taxes for up to twenty years if more than one-half of the property in a redevelopment project is extremely blighted

DETAILED INDEX OF URBAN AFFAIRS COMMITTEE BILLS AND RESOLUTIONS

One Hundred Sixth Legislature, First Session

Bill #	Introducer	One-liner	Hearing Date	Committee Action	Status
LB 11	Blood	Provide for interlocal agreements regarding nuisances	1/29/19	Advanced	Approved by Governor on 3/7/19
LB 23 ¹	Kolterman	Change the Property Assessed Clean Energy Act	2/5/19	Advanced w/ AM 795	Approved by Governor on 5/1/19
LB 57	Morfeld	Prohibit regulation of short-term rentals and provide for taxation agreements	1/29/19	Advanced	Approved by Governor on 3/7/19
LB 66	Hansen, M.	Provide for an early childhood element in a comprehensive plan developed by a city	1/29/19	Advanced w/ AM 56	General File
LB 67	Hansen, M.	Change provisions relating to determination of municipality population thresholds and references to cities, villages, and governing bodies	1/22/19	Advanced	Approved by Governor on 3/6/19
LB 68	Hansen, M.	Change provisions of the Business Improvement District Act as prescribed	2/19/19	Advanced w/ AM 334	General File
LB 85	Wayne	Provide for a rental housing inspection program for a city of the metropolitan class or a city of the primary class	1/22/19	Advanced w/ AM 66	General File
LB 87 ²	Wayne	Provide funding in opportunity zones designated pursuant to federal law	2/19/19	Advanced	Approved by Governor on 4/24/19
LB 95	Wayne	Change applicability provisions for building codes	2/12/19	Held	In Committee
LB 96 ³	Wayne	Change local building code provisions	2/12/19	Advanced w/ AM 497	Approved by Governor on 5/17/19

¹ Speaker priority bill

² Speaker priority bill

³ Speaker priority bill

LB 107	Dorn	Change provisions relating to city and village plumbing boards and change a penalty	2/5/19	Advanced w/ AM 356	General File
LB 121	Crawford	Change provisions on limits on indebtedness from direct borrowing by cities and villages	1/29/19	Advanced	Approved by Governor on 3/7/19
LB 124	Crawford	Change provisions relating to jointly created clean energy assessment districts under the Property Assessed Clean Energy Act	2/5/19	Advanced w/ AM 199	Approved by Governor on 3/21/19
LB 130	DeBoer	Adopt radon resistant new construction requirements	2/12/19	Advanced w/ AM 298	Approved by Governor on 5/8/19
LB 136	Wayne	Adopt the Density Bonus and Inclusionary Housing Act	2/19/19	Held	In Committee
LB 160	Quick	Include early childhood infrastructure development and early childhood care and education programs under the Local Option Municipal Economic Development Act for certain cities and villages	1/29/19	Advanced	Approved by Governor on 3/21/19
LB 193	Urban Affairs Committee	Change provisions relating to cities of particular classes and villages, correct and include references as prescribed, and eliminate obsolete provisions and repeal definitions	1/22/19	Advanced	Approved by Governor on 3/7/19
LB 194	Urban Affairs Committee	Change provisions relating to cities of the first class as prescribed	1/22/19	Advanced	Approved by Governor on 3/7/19
LB 195	Urban Affairs Committee	Correct statutory references relating to the State Fire Code	2/5/19	Advanced	Approved by Governor on 3/21/19
LB 196	Urban Affairs Committee	Change provisions relating to notices of certain zoning matters in cities of the metropolitan class and for hearings under the Business Improvement District Act	1/22/19	Advanced	Approved by Governor on 3/7/19
LB 197	Urban Affairs Committee	Provide a procedure for detachment of real property from the corporate limits of a city of village and eliminating existing detachment provisions	2/19/19	Held	In Committee
LB 234	Wayne	Provide requirements for payment of claims by cities and villages	2/19/19	Held	In Committee
LB 317	Kolterman	Eliminate Public Service Commission inspection authority under the Nebraska Uniform Standards for Modular Housing Units Act and eliminate applicability and references to manufactured homes	2/5/19	Held	In Committee

		under the Uniform Standard Code for Manufactured Homes and Recreational Vehicles and rename the code			
LB 348	Quick	Adopt changes to the state building code	2/12/19	Advanced	Approved by Governor on 4/17/19
LB 405	Hunt	Adopt updates to building and energy codes	2/12/19	Advanced	Approved by Governor on 5/8/19
LB 409	Kolowski	Adopt design standards for health care facilities	2/12/19	Advanced w/ AM 221	Approved by Governor on 4/17/19
LB 424 ⁴	Quick	Change the Nebraska Municipal Land Bank Act	2/19/19	Advanced w/ AM 509	General File (Cloture Failed)
LB 445 ⁵	McDonnell	Require cities and villages to provide annual reports relating to occupation taxes as prescribed	2/26/19	Advanced w/ AM 520	Approved by Governor on 5/1/19
LB 476	McCollister	Eliminate a sunset provision relating to certain retail sales of natural gas by a metropolitan utilities district	2/26/19	Advanced	Approved by Governor on 5/29/19
LB 492 ⁶	Wayne	Adopt the Regional Metropolitan Transit Authority Act	2/26/19	Advanced w/ AM 628	Vetoed by Governor on 5/30/19 (Veto Overridden on 5/31/19)
LB 520	McDonnell	Provide requirements for safety standards and operating procedures for road construction and maintenance in cities of the metropolitan class	3/5/19	Advanced	General File
LB 564	Bolz	Change the Civic and Community Center Financing Act	3/5/19	Advanced w/ AM 1276	Approved by Governor on 5/29/19
LB 648	Wayne	Change the Community Development Law	3/5/19	Held	In Committee

⁴ Stinner priority bill

⁵ Speaker priority bill

⁶ Urban Affairs priority bill

LB 721	Lindstrom	Provide for insurance eligibility for spouses and dependents of deceased or disabled firefighters of cities of the first class	3/5/19	Held	In Committee
LB 731	Hunt	Change provisions relating to new or updated comprehensive plans adopted by municipalities	3/5/19	Advanced w/ AM 607	General File
LR 14CA ⁷	Wayne	Constitutional amendment to authorize municipalities to pledge property taxes for up to twenty years if more than one-half of the property in a redevelopment project is extremely blighted	3/5/19	Advanced	Enacted

⁷ Urban Affairs priority resolution