

LEGISLATIVE BULLETIN

LEAGUE OF NEBRASKA MUNICIPALITIES

108th Legislature, First Session

April 6, 2023 - Bulletin 14



ITEMS OF INTEREST TO MUNICIPALITIES

- **LB 727:** Revenue Committee advances bill to General File with Standing Committee Amendments incorporating the provisions of 20 other bills, including several League-supported bills
- **LB 683:** Broadband Office bill advances
- Broadband Office bill amended to include several other bills
- **LB 63:** Bill penalizing wireless carriers using Chinese equipment amended into LB 683
- **LB 629:** Amendment to Urban Affairs Committee Priority Bill includes League-supported bills
- **LB 243:** On April 3 following eight hours of filibustering on General File, the Legislature passed a cloture motion to cease debate with 43 ayes and 6 present and not voting to advance the Governor's major property tax package to Select File. LB 243 was introduced by Albion Sen. Tom Briebe and was amended by AM977, the Revenue Committee's Standing Committee Amendment incorporating the provisions of LB 28, LB 242, LB 589 and LB 783. [Click here](#) for Sen. Briebe's handout to his colleagues explaining the five key provisions of LB 243 as amended by AM977.

NOT ALL ITEMS OF INTEREST ARE INCLUDED ON THIS LIST.
ALSO SEE THE REMAINDER OF THE LEGISLATIVE BULLETIN.

LB 727: Revenue Committee advances bill to General File with Standing Committee Amendments incorporating the provisions of 20 other bills, including several League-supported bills

On April 5, the Revenue Committee reported **LB 727** with **AM1152**, the Standing Committee Amendments incorporating provisions of 20 other tax-related bills into LB 727. As reported in major news outlets, committees are combining numerous bills into one major proposal to limit the amount of time available to those filibustering legislation this session. **April 6 is "Day 58" of the 90-day session and the Legislature has not yet had the opportunity to vote to pass even one bill on Final Reading!**

Thanks to Elkhorn **Sen. Lou Ann Linehan**,



*Sen. Lou Ann Linehan
District 39*

Chair of the Revenue Committee, and other members of the committee for including several League-supported bills into AM1152. On April 5, Sen. Linehan also filed AM1217 to AM1152 (the Standing Committee Amendments to LB 727) as a "placeholder amendment" for other provisions of bills the Revenue Committee will vote to include in LB 727 next week. Hopefully, AM1217 will include provisions of a negotiated agreement between the League and the Nebraska Arts Council to provide maximum flexibility to the Nebraska

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LB 683: Broadband Office bill advances

On April 5, **LB 683**, introduced by **Sen. Suzanne Geist** of Lincoln to create the Broadband Office within the Department of Transportation advanced to final reading on a voice vote.

The purpose of LB 683 is to create the Broadband Office within the Department of Transportation with the Director to be appointed by the Governor and approved by the Legislature

As amended by the committee amendments, the duties of the Broadband Office are to:

- Engage in outreach and collaborate with all interested parties;
- Develop a broadband strategic plan for the state;
- Coordinate the broadband activity of all state entities that maximizes all public and private resources and encourages innovative models of infrastructure ownership;
- Coordinate state agencies on policy matters affecting the use of federal and state funding for broadband purposes;
- Provide state advocacy of broadband issues on the federal level;
- Ensure funding is utilized in a cost effective manner;
- Oversee the coordination of programs for schools and libraries and digital inclusion and equity projects; and



*Sen. Suzanne Geist
District 25*

Broadband Office bill amended to include several other bills

On April 5, the Legislature adopted **AM1142**, an amendment to **LB 683**, the bill creating the State Broadband Office. The adopted amendment contains the contents of several bills heard before the Transportation and Telecommunications Committee. The amendment contained the contents of **AM868** to **LB 412** and the contents of a bill affecting the County Bridge Match Program. All the bills in this amendment are now part of LB 683 which is on final reading.

The amended LB 683 now contains the provisions of the original LB 412 which provides clarification on how the Public Service Commission can distribute broadband grants to areas surrounding cities of the second class and villages. There was some confusion created by the language in

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LB 63: Bill penalizing wireless carriers using Chinese equipment amended into LB 683

On April 5, the Legislature adopted **AM1181 to LB 683**, the bill creating the State Broadband Office. The adopted amendment contains the amended contents of **LB 63** introduced by **Sen. Eliot Bostar** from Lincoln. LB 63 would prohibit a telecommunication company from receiving support from the Nebraska Universal Service Fund if said company is using or providing any communications equipment or service deemed to pose a threat

to national security according to the Public Safety and Homeland Security Bureau of the Federal Communications Commission. The introduced version of LB 63 also contained language prohibiting the city or state from “obtaining any additional permits or authorization from any state agency or political subdivision in the removal, discontinuance, or replacement of such communications equipment or service.” This language was substantially modified in AM1181.

AM1181 prohibits funding to any telecommunications company using or providing any communications equipment or service deemed to pose a threat to national security as identified by the federal government. AM1181 also adds that when the removing, discontinuing or replacing the identified security threat communications equipment the company does not need to obtain any additional permits from any state agency or political subdivision

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LB 629: Amendment to Urban Affairs Committee Priority Bill includes League-supported bills

LB 629, introduced by Urban Affairs Committee Chair **Sen. Terrell McKinney**, changes provisions of the



*Sen. Terrell McKinney
District 11*

Middle-Income Workforce Housing Investment Act and the Economic Recovery Act. Included in the bill are provisions to require that appraised values cover total housing construction costs and changing what is considered preparation for land parcels for affordable housing to include costs and fees associated with legal land surveys and the development of access to essential utilities.

This week, Sen. McKinney filed an additional amendment to LB 629 that includes several bills that were supported by the League.

League-supported bills included in Sen. McKinney's amendment to LB 629 are:

LB 98: Sen. Mike Jacobson introduced this bill to make changes to micro-TIF. Provisions include changes relating to substandard and blighted declarations, allowing municipalities to establish an annual limit on the number of micro-TIF plans approved, removing the requirement that building permits be submitted with the micro-TIF application, allowing the governing body to determine whether to approve or deny the micro-TIF application, outlining reasons to deny a micro-TIF application, changing provisions relating to indebtedness and allowing a city to revoke the resolution approving micro-TIF.

LB 223: This bill, introduced by Sen. McKinney, amends the Municipal Density and Missing Middle Housing Act. It requires each city that adopts an affordable housing action plan to electronically submit that plan to the Urban Affairs Committee. The bill also requires that the city include in its report addressing the availability of and incentives for affordable housing the efforts to adopt affordable housing action plans or efforts to implement an affordable housing action plan after such plan is adopted.

LB 170: LB 170 matches the definition of “blighted area” under the Nebraska Investment Finance Authority Act with the definition under the Community Development Law. ■

Broadband

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LB 1024 from last year's legislative session.

The amended LB 683 also contains an amended version of LB 122 related to the one-call system. The amendment has two main concepts. First, the amendment attempts to address the issue of repeat locate requests. The amendment would make it a violation of the act to request a locate if work cannot be commenced within 17 days, or request a relocate if work cannot be commenced within 14 days. This was put in at the request of the League, the Rural Electric Association, OPPD, the gas companies and many others.

The second concept forms what is being called the "One-Call Hit Court" that will have authority to deal with small one-call disputes when infrastructure is damaged.

The amendment creates the Underground Excavation Safety Committee (the Hit Court) comprised of five members:

- State Fire Marshal (or designee)
- Two Operators (underground facility owners)
- Two Excavators

The duty of the Committee will be to review complaints of One-Call Act violations, determine if violations have occurred, and determine if a civil penalty should be assessed when

a violation has occurred.

If the recommended civil penalty is less than \$10,000 a process is initiated where the party can pay the fine or request a hearing under the APA etc. The Committee can require continuing education for a violator.

If the recommended civil penalty exceeds \$10,000 the matter shall be referred to the Attorney General for prosecution.

The amended LB 683 also contains the provisions of LB 722 supported by the League and others. LB 722 would clarify that the Public Service Commission has authority to oversee the smooth transition of services to telecommunications ratepayers and broadband customers when a telecommunications carrier that wants to provide service in the territory of another provider purchases the infrastructure to serve those customers.

The amended LB 683 also contains the provisions of LB 155 supported by the City of Omaha and the League. LB 155 clarifies that a fiber optic project in Omaha does not fall under the provisions of the Small Wireless Facilities Deployment Act.

The amended LB 683 also contains the provisions of LB 359 which changes some of the deadlines in the Broadband Bridge Act. ■

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Wireless

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if the state agency or political subdivision is properly notified of the necessary replacements and the replacement of any communications equipment is similar to the existing communications equipment. Sen. Bostar indicated in his testimony that the term "similar" meant at a minimum that the equipment could not be larger or heavier. Thus, if the equipment is larger, heavier or dissimilar in other ways, the company can be required to obtain permits. Sen. Bostar also indicated that it appears that only one company in Nebraska currently has any equipment deemed to pose a threat to national security. ■

LB 683

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- Provide public information and resources.

LB 683 was supported by the League because of the possibility of expanded technical assistance for villages and cities that want to improve local broadband. LB 683 also was supported by the Nebraska

Department of Transportation, the Nebraska Rural Broadband Alliance, the Nebraska Farm Bureau, the Nebraska Cattlemen, the Nebraska Corn Growers Association, the Nebraska Pork Producers Association, the Nebraska Soybean Association, the Nebraska State Dairy Association, the Nebraska Wheat Growers

Association and Renewable Fuels Nebraska and others.

A number of other bills that were heard by the Transportation Committee were added to LB 683 via amendments and also will advance to Final Reading. These bills are covered in a separate article within this *Legislative Bulletin*. ■

LB 727

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Arts Council in distributing funds to municipalities with “creative districts.”

[Click here](#) for the Committee Statement to LB 727 which provides a brief explanation of the 20 other bills included in AM1152 to LB 727. These are bills the committee supported 8-0.

Below are some of the bills included in AM1152 which are League-supported or of interest to municipalities:

LB 100 (Erdman) amends the **ImagiNE Nebraska Act** to include locations when the primary business activities are waste treatment and disposal; this bill was introduced by Sen. Erdman on behalf of the City of Kimball and Kimball County.

LB 384 (Bostar) creates, funds and regulates the spending of a newly formed **Department of Transportation Aeronautics Capital Improvement Fund**. The bill turns back sales taxes relating to aeronautics sales; LB 384 was supported by the City of Blair, Blair Airport Authority, Nebraska Aeronautics Commission and others.

LB 447 (Bostar) amends current statute(s) to allow retired firefighters **a deduction for health insurance premiums paid and to allow for tuition waivers for firefighters and dependents of law enforcement officers and firefighters**. LB 447 was introduced on behalf of the Nebraska Professional Fire Fighters Association, Nebraska Sheriffs Association, Police Chiefs Association of Nebraska, Police Officers Association of Nebraska, the League of Nebraska Municipalities, Nebraska Association of County Officials (NACO) and several other organizations.

LB 580 (Holdcroft) as amended by AM634 eliminates **special requirements for agricultural or horticultural land** in sanitary improvement districts (SID), cities, or villages required to receive special valuation under the statutes; AM634 adds an effective date retroactive to Jan. 1, 2023. *The League and NACO are working on an amendment for consideration by Sen. Holdcroft and Sen. Bostar.*

LB 692 (Linehan) as amended by AM1012 creates the **Good Life Transformational Projects Act**, establishing a new system in statute to allow for state assistance to certain projects within a “good life district” that meet certain benchmarks. AM1012 replaces the original bill, keeps the concept of “good life districts” and adds a revised schedule of required investment, required new jobs, and required apparent sales from outside the state for different city levels as shown below: **Project eligibility** is contingent on the

following: **Development costs:** (i) One billion dollars if the project will be located in a city of the metropolitan class; (ii) Seven hundred fifty million dollars if the project will be located in a city of the primary class; (iii) Five hundred million dollars if the project will be located in a city of the first class, city of the second class, or village within a county with a population of one hundred thousand inhabitants or more; or (iv) One hundred million dollars if the project will be located in a city of the first class, city of the second class, or village within a county with a population of less than one hundred thousand inhabitants. **Jobs created:** (i) One thousand new jobs if the project will be located in a city of the metropolitan class; (ii) Five hundred new jobs if the project will be located in a city of the primary class; (iii) Two hundred fifty new jobs if the project will be located in a city of the first class, city of the second class, or village within a county with a population of one hundred thousand inhabitants or more; or (iv) Fifty new jobs if the project will be located in a city of the first class, city of the second class, or village within a county with a population of less than one hundred thousand inhabitants. *The League testified in a neutral capacity on LB 692.*

LB 697 (Conrad) as amended by the Committee seeks to amend provisions of the **Nebraska Job Creation and Mainstreet Revitalization Act**. The bill redefines historically significant real property to include at-grade or above ground structures. The bill redefines improvement to include projects with a total cost which equal or exceed \$5,000. LB 697 also seeks to change the amount of nonrefundable credits being equal to 20% of eligible expenditures up to a maximum credit of \$1 million to the following: For historically significant real property located in a county that includes a city of the metropolitan class or a city of the primary class, the credit would be equal to 25% of eligible expenditures. For historically significant real property located in any other county, the credit would be equal to 30% of eligible expenditures. In all cases, the maximum credit allocated to any one project would be \$2 million. An amendment was added to include the portion of LB 213 that lowers the match required by the applicant under the Rural Workforce Housing Investment Act to 25% for all cities; and to replace the start and sunset dates with the start and sunset dates from LB 756.

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LB 727*Continued from page 5*

LB 706 (Moser) as amended by AM692 creates new statutes that allow, under the **Build Nebraska Act, for issuing bonds up to the amount of \$450 million**, with a provision for \$30 million annually for debt service, for new roads projects, and harmonizes corresponding statutes to reflect the new sections. AM692 added a provision to extend the sunset date of the Build Nebraska Act to match with the sunset date of the new bonding under LB 706.

LB 732 (Bostar) as amended by the Committee amendment amends the **Convention Center Facility Financing**

Assistance Act to extend the date for applications for assistance under the Act from Dec. 31, 2012, to Dec. 31, 2030; this provision relates to a proposed convention center in Lincoln. An amendment also was adopted to incorporate some of the provisions of LB 797, introduced by Sen. Wayne on behalf of the City of Omaha, to include the definition of “nearby retailer” to collect receipts within 600 yards of a “program area”; the amendment also defines a “program area” by a map or maps submitted with an application, applying such changes for collection of such state sales tax. ■

Registration open: Unicameral Youth Legislature

Learn what it's like to serve as a state senator. The Unicameral Youth Legislature is a four-day legislative simulation in which high school students take on the role of lawmakers. Student senators sponsor bills, conduct committee hearings, debate legislation and discover the unique process of the nation's only unicameral.

The Unicameral Youth Legislature

gives behind-the-scenes access to students who have an interest in public office, government, politics, law, public policy, debate or public speaking. Students will learn about the inner workings of the Legislature directly from senators, staff and lobbyists. Bill topics are based on legislation considered during the most recent legislative session. From driving laws to the death penalty,

More info

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topics selected for the legislature are diverse and engaging.

Legislative activities are conducted at the Nebraska State Capitol Building in the historic Warner Chamber, which was home to the Nebraska Senate until the state consolidated to a one-house legislature in 1937.

The youth legislature is organized by the Nebraska State 4-H Office and the University of Nebraska-Lincoln Extension Office youth development program. The Clerk of the Nebraska Legislature, through the Unicameral Information Office, serves as a technical consultant for the Unicameral Youth Legislature.

Registrants are encouraged to apply for a Greg Adams Civic Scholarship award, which covers the full cost of admission. Applicants must submit a short essay. Other \$100 scholarships are also available. ■

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LEGISLATURE

June 11 - 14, 2023

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