

LEGISLATIVE BULLETIN

LEAGUE OF NEBRASKA MUNICIPALITIES

107th Legislature, Second Session

April 8, 2022 - Bulletin 14



ITEMS OF INTEREST TO MUNICIPALITIES

- **2022 Interim Study Resolutions of interest to municipalities**
- **LB 800:** Omnibus Urban Affairs Committee bill advances to final round of debate
- **LB 1014:** On April 7, ARP Act budget bill passed on Final Reading with \$47.7 million for COVID-related infrastructure improvements at NLETC still included in bill
- **Lawmakers enter final days of 2022 session**
- **Check the Legislature's web site** for more information about your state Senators and the session. The web site address is <http://nebraskalegislature.gov/web/public/home>.

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

2022 Interim Study Resolutions of interest to municipalities

Last week was the deadline for Senators to file Interim Study Resolutions. Many interim studies introduced relate to municipalities. For example, there are studies relating to conditional use permits, how to incorporate new municipalities, administration of the Nebraska Broadband Bridge Act, funding of emergency communications in Nebraska and fulfilling public records requests. Albion Sen. Tom Briese also has introduced an interim study relating to cemeteries after an issue was raised at the League's legislative committee meeting this year.

After the Legislature adjourns in April, standing committees will begin to hold meetings and public hearings on these interim studies. The League will keep municipalities updated on when those hearings are scheduled.

Below is a list of interim studies that may be of interest to municipalities. To review all the Interim Study Resolutions introduced, please visit the Unicameral's website at nebraskalegislature.gov.

Urban Affairs Committee:

LR 276 (Blood) Interim study to

examine circumstances in which conditional use permits can be approved or revoked

LR 347 (Urban Affairs Committee) Interim study to examine the statutes governing metropolitan utilities districts

LR 348 (Urban Affairs Committee) Interim study to review the occupational regulations for master plumbers

LR 349 (Urban Affairs Committee) Interim study to examine issues within the jurisdiction of the Urban Affairs Committee

LR 377 (Hansen, M.) Interim study to examine statutes relating to the incorporation of new municipalities

LR 413 (Dorn) Interim study to evaluate the potential transition to a statewide professional license for heating, ventilation, and air conditioning technicians

LR 422 (Wayne) Interim study to examine issues related to the Middle-Income Workforce Housing Investment Act

Transportation and Telecommunications Committee:

LR 401 (Friesen) Interim study

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to review the administration of the Nebraska Broadband Bridge Act

LR 398 (McDonnell) Interim study to examine issues related to the funding of emergency communications in Nebraska

Natural Resources Committee:

LR 394 (Cavanaugh, J.) Interim study to examine potential changes to Nebraska's net metering policy

Government, Military and Veterans Affairs Committee:

LR 376 (Hansen, M.) Interim study to determine whether reports of the resistance of public agencies to fulfill public record requests are representative of a broad statewide issue or represent isolated incidents

General Affairs Committee:

LR 339 (Briese) Interim study to examine matters relating to cemeteries in Nebraska

When do bills that are passed take effect?

Bills that are passed by the Legislature go into effect three calendar months after the Legislature adjourns unless they include an effective date or an emergency clause. Bills with an emergency clause

become effective at 12:01 a.m. the day after the Governor signs the bill, the Legislature overrides the Governor's veto, or five days after the Legislature approves a bill and the Governor fails to act on it.

State Capitol Mailing Address

Senator
District Number
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Lincoln, NE 68509-4604

LB 800: Omnibus Urban Affairs Committee bill advances to final round of debate

LB 800, introduced by the **Urban Affairs Committee**, is a clean-up bill for statutes governing cities of the metropolitan class. The Urban Affairs Committee continues its years-long process of cleaning-up municipal statutes. The bill makes a variety of clean-up changes, including: changing and correcting terminology; clarifying references to cities' corporate limits or extraterritorial zoning jurisdiction (ETJ); clarifying references to legal newspapers; correcting gender references; and eliminating run-on sentences. The **League** and the **City of Omaha** testified in favor of this bill at the public hearing.

The standing committee amendment to **LB 800** makes several additional clean-up changes to the underlying bill and incorporates provisions of six other municipal-related bills, including: **LB 555**, **LB 724**, **LB 727**, **LB 799**, **LB 842** as amended, and **LB 1189**, as amended.

What is the difference between a bill and a resolution?

A bill changes the Nebraska Statutes and must go through the law-making process from introduction to Final Reading. A resolution, however, pertains to an internal rule of the Legislature, official declaration, interim study, ballot initiative or a constitutional amendment.

LB 555 requires that reports filed under the Municipal Density and Missing Middle Housing Act include the percentage of residential areas in the city which have been declared substandard and blighted or extremely blighted under the Community Development Law.

LB 724 amends the Local Option Municipal Economic Development Act, otherwise known as **LB 840**, to authorize the use of funds under the Act for the development and implementation of an affordable housing action plan. It also authorizes cities of the first class, cities of the second class, and villages to include grants, loans, and funds for the construction of housing as part of an affordable housing action plan under the Act.

LB 727 eliminates unnecessary and redundant language related to sanitary and improvement district (SID) elections.

LB 799 clarifies reporting requirements under the Municipal Density

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and Missing Middle Housing Act.

LB 842, that authorizes tribal governments to apply for and receive grants under the Civic and Community Center Financing Act (CCCFA). The committee amended the original version of **LB 842** to strike references to tribal economic development corporations from the definition of tribal governments.

Finally, **LB 1189** provides that if a sanitary drainage district which lies solely within the zoning jurisdiction of a city is discontinued, all funds, assessments and property owned by the district shall revert to the city or a riverfront development authority created by the city.

On Select File, Lincoln **Sen. Elliot Bostar** amended **LB 1176** into the omnibus bill. **LB 1176** changes the Affordable Housing Tax Credit Act to clarify provisions regarding an allocation of the tax credit and allowing the tax credit to be used against the tax on fire insurance companies collected.

The entire bill was advanced by the Legislature to the final round of debate. **LB 800** will be heard on Final Reading next week before it is presented to the Governor for his signature.

What is an Attorney General's Opinion?

Listeners will occasionally hear a state Senator during floor debate refer to an Attorney General's Opinion about an aspect of proposed legislation. In this context, it is a written analysis of a question of law prepared by the Attorney General for the Governor, the head of an executive department or any Senator.

*Gov. Pete Ricketts**Sen. Mike Hilgers**Sen. John Stinner*

LB 1014: On April 7, ARP Act budget bill passed on Final Reading with \$47.7 million for COVID-related infrastructure improvements at NLETC still included in bill

On April 7, the Legislature passed **LB 1014** on Final Reading with 40 ayes, 4 nays, 4 present and not voting and 1 excused and not voting. LB 1014 passed with the emergency clause attached and will take effect upon the Governor's signature.

Thanks to Gov. Ricketts for including the \$47.7 million in LB 1014, as originally introduced on his behalf by Speaker Hilgers, for COVID-related infrastructure improvements at the Nebraska

Lawmakers enter final days of session

Lawmakers are nearing the end of the 2022 session with four legislative days remaining until adjournment for the year. The last day of the session is April 20. The 2023 session will begin Jan. 4.

Law Enforcement Training Center (NLETC) in Grand Island. Thanks to Sen. Stinner and other members of the Appropriations Committee for including the \$47.7 million allocated for the NLETC in LB 1014 when advanced to General File. The \$47.7 million for the NLETC will be used to build the first indoor shooting range, make significant improvements to the current outdoor shooting ranges and build a driving track that is safe, meets necessary standards for vehicular pursuit training, etc. **The \$47.7 million allocation to the NLETC was the League's highest priority for the use of ARP Act funds allocated to the State of Nebraska.**

There were about \$4 billion of requests for the \$1.04 billion of ARP Act funds allocated to the State of Nebraska. The Appropriations

Committee appropriated all but \$10 million of the \$1.04 billion total.

Thanks to the following law enforcement officers and others who provided tremendous leadership resulting in the passage of this historic funding for the NLETC: Scottsbluff **Police Chief Kevin Spencer**, President of the Police Chiefs Association of Nebraska (PCAN); Buffalo County **Sheriff Neil Miller**, President of the Nebraska Sheriffs Association (NSA); Broken Bow **Police Chief Steve Scott**, President of the Police Officers Association of Nebraska (POAN); Cozad **Police Chief Mark Montgomery**, Board Member of PCAN and POAN; **Jim Maguire**, President of the Fraternal Order of Police; **Don Arp**, Director of the Crime Commission; and **Brenda Urbanek**, Director of the NLETC.