

LEGISLATIVE BULLETIN

LEAGUE OF NEBRASKA MUNICIPALITIES

108th Legislature, First Session

April 14, 2023 - Bulletin 15



ITEMS OF INTEREST TO MUNICIPALITIES

- **LB 727:** Revenue Committee advances bill to General File with Standing Committee Amendments incorporating 20 other bills, including several bills that are League-supported or of League interest
- **LB 531:** Urban Affairs Committee Priority Bill advances to second round of debate
- Carolyn Bosn appointed to Nebraska Legislature

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 20 other bills, including several bills that are League-supported or of League interest

The First Session of the 108th Legislature has been like none other, according to long-time lobbyists, legislative staff and former state Senators. **April 14 is “Day 62” of the 90-day session and the Legislature has not yet had the opportunity to vote to pass even one bill on Final Reading!**

As previously reported, committees are combining numerous bills into one major proposal to limit the amount of time available to those filibustering legislation this session. Senators can filibuster a bill for eight hours on General File, four hours on Select File and two hours on Final Reading before a “cloture vote” can be taken to end the filibuster with 33 of the 49 Senators voting in the affirmative. Following a successful cloture motion, Senators then vote on amendments and whether to advance the bill. Almost all the filibusters this session have been in opposition to LB 574, the *Let Them Grow Act*, which would prohibit doctors and medical professionals from providing transgender youth below the age of 19 with gender-altering procedures like surgeries and most gender-affirming care, including puberty blockers or hormone therapy. LB 574 also would allow an individual who received such care while younger than 19 years of age, or their parent or guardian, to bring a civil action against the healthcare practitioner.

To limit the time for filibustering legislation, the Revenue Committee advanced **LB 727** on April 5 to General File with **AM1152**, the Standing Committee Amendments incorporating provisions of 20 other tax-related bills which the Committee supported on an 8-0 vote. LB 727 was one of the Revenue Committee’s two “Priority Bills.” **Thanks to Elkhorn Sen. Lou Ann Linehan, Chair of the Revenue Committee, and other members of the Committee for including several League-supported bills into AM1152, the Standing Committee Amendments to LB 727.** On April 5, Sen. Linehan also filed AM1217 to AM1152 as a “placeholder amendment” for provisions of other bills the Revenue Committee will vote to include



Sen. Lou Ann Linehan
District 39

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in LB 727. **Hopefully, AM1217 will include provisions of a negotiated agreement between the League and the Nebraska Arts Council to provide maximum flexibility to the Nebraska Arts Council in distributing funds from state turnback tax to municipalities with “certified creative districts,” including the Civic and Community Center Financing Fund (CCCCF) grants in FY 23-24.** Due to passage of LB 927 in the 2022 session, only municipalities with “certified creative districts” are eligible to receive CCCCCF grants in FY 23-24; this eligibility requirement for CCCCCF grants relating to “certified creative districts” will not apply after FY 23-24.

Some of the 20 bills included in AM1152 (the Standing Committee Amendments to LB 727) 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 law 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

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LB 531: Urban Affairs Committee Priority Bill advances to second round of debate

LB 531, introduced by Omaha **Sen. Terrell McKinney**, allocates over \$300 million to entities in North and South Omaha to respond to the negative impact of the COVID-19 public health emergency and to “build resilient and innovative communities.” LB 531 cleans up language in the Economic Recovery Act (LB 1024 (2022)) by removing certain requirements relating to coordinated plans and directing direct investment to the fund after July 1, 2023.



*Sen. Terrell McKinney
District 11*

Included in the amendment to LB 531 are the provisions of **LB 506** which appropriates \$180 million to the Nebraska Department of Natural Resources to assist the City of Lincoln in securing its second water source. Lincoln **Sen. Eliot Bostar** introduced LB 506 to help pay for costs such as a water treatment plan; water treatment, transmission, and distribution in furtherance of supplying additional water; land acquisition; permitting; a wellfield; and

pumping and transportation of water over 25 miles for the purpose of providing potable water. Sen. Bostar has indicated that other municipalities have expressed interest in joining in this project to create a regional water supply network.

LB 769, introduced by Bellevue **Sen. Rick Holdcroft**, also is amended into LB 531. LB 769 provides grants to an entity formed under the Interlocal Cooperation Act to fund a portion of the cost of constructing a wastewater system. The amendment appropriates \$15 million to the Shovel-Ready

Capitol Recovery and Investment Fund for funding to construct such a project. Mayor David Black, City of Papillion, testified in support of LB 769 representing the City of Papillion, United Cities of Sarpy County and Sarpy Counties & Cities Wastewater Agency.

The amended version of LB 531 was advanced to the second round of debate on a vote of 30-0. ■

Carolyn Bosn appointed to Nebraska Legislature

Gov. Jim Pillen held a press conference April 6 to announce the appointment of Carolyn Bosn of Lincoln as the next representative for District 25 in the Nebraska Legislature.

Bosn, an attorney and adjunct professor at the University of Nebraska College of Law, will complete the final year of Lincoln Sen. Suzanne Geist's term, which ends in January 2025. Geist announced her resignation April 5, saying she intends to focus on her mayoral campaign.

Pillen described Bosn as “tough” and “smart” and someone who would “do whatever it takes” to retain the Legislative District 25 seat. Bosn said she will run in November 2024.

A native of Columbus, Bosn is a former prosecutor in the Lancaster County Attorney's Office who said



she left that position six years ago to be a stay-at-home mom. She and husband Reggie have four children.

“As a public servant, I approached every day as an opportunity to do what is fair and right,” Bosn said. ■

Source – Nebraska Unicameral Update

Revenue

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Association of Nebraska, the League of Nebraska Municipalities, Nebraska Association of County Officials and several other organizations.

- **LB 580** (Holdcroft) as amended by AM634 eliminates **special requirements for agricultural or horticultural land** in sanitary improvement districts (SIDs), cities, or villages required to receive special valuation under the statutes; AM634 adds an effective date retroactive to Jan. 1, 2023.
- **LB 692** (Linehan) as amended by AM1012 creates the **Good Life Transformational Projects Act**, establishing a new statutory system 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 municipalities as shown below: **Project eligibility** is contingent on the following: **Development costs:** (i) \$1 billion if the project will be located in a city of the metropolitan class; (ii) \$750 million if the project will be located in a city of the primary class; (iii) \$500 million 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 100,000 inhabitants or more; or (iv) \$100 million 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 100,000 inhabitants. **Jobs created:** (i) 1,000 new jobs if the project will be located in a city of the metropolitan class; (ii) 500 new jobs if the project will be located in a city of the primary class; (iii) 250 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 100,000 inhabitants or more; or (iv) 50 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 100,000 inhabitants. ***The League testified in a neutral capacity on LB 692. Representatives of the City of Gretna, Sarpy County and others testified in support. No one testified in opposition to LB 692.***

- **LB 697** (Conrad) as amended by the Committee would 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.
- **LB 706** (Moser) as amended by AM692 creates new statutes that allow, under the **Build Nebraska Act, for issuing bonds up to \$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.

As of April 14, LB 727 has not been scheduled for consideration on General File. ■