

# LEGISLATIVE BULLETIN

## LEAGUE OF NEBRASKA MUNICIPALITIES

108th Legislature, First Session

May 12, 2023 - Bulletin 19



### ITEMS OF INTEREST TO MUNICIPALITIES

- **LB 562:** Amendment added to LB 562 to create food truck registry
- **LB 727:** First on the agenda next week will be amendments to this Revenue Committee bill with Standing Committee Amendments ([AM1152](#)) incorporating 20 other bills, including several that are League-supported or of League interest. *On May 11, the Legal Counsel for the Revenue Committee said the proposed amendments to the Standing Committee Amendments will not be available on the Legislature's website until May 15.*
- **State of Nebraska to hold broadband listening sessions**
- **Committee Hearings schedule**

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

## LB 562: Amendment added to LB 562 to create food truck registry

**L**B 562, introduced by Adams **Sen. Myron Dorn**, creates the E15 Access Standard Act that will transition Nebraska's E10 base ethanol blend to E15. With the bill, fuel retailers will offer E15 from at least 50% of their dispensers by 2024.

When LB 562 was being debated on Select File, Omaha **Sen. Tony Vargas** introduced an amendment that establishes the Mobile Food Establishment Ordinance Registry. This amendment was originally LB 740, heard by the Agriculture Committee.

The purpose of the registry is to record in a central location the municipal ordinances used to regulate mobile food establishments,

otherwise known as food trucks. **The registry only applies to cities of the first and second class.** It requires each city to participate in the registry and provide the Department of Agriculture with the following information:

The name and address of each person responsible for regulating mobile food establishment operations;

A sample copy of any form that is required to be submitted in order for the mobile food establishment to operate in the city;

A complete electronic record of the ordinances used to regulate mobile food establishments; and

Any other information the Department of Agriculture deems necessary.

A city that does not regulate food trucks in any way, submits a written statement to the Department of



*Sen. Tony Vargas  
District 7*

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Agriculture confirming that for publication on the registry.

To ensure the registry is accurate and updated, each city needs to make information available to the Department of Agriculture upon request and beginning in 2023, notify the department of any new or modified ordinance regulating food trucks by December 31 of each year.

The Legislature adopted the amendment on a 40-0 vote and advanced LB 562, with the amendment, by unanimous consent. The next step is for the bill to be heard on Final Reading before being presented to the Governor for his signature or veto. ■

## LB 727: First on the agenda next week will be amendments to this Revenue Committee bill with Standing Committee Amendments incorporating 20 other bills, including several that are League-supported or of League interest

**T**he Legislature is not in session on Friday, May 12, or Monday, May 15. **LB 727** is the first bill scheduled for consideration on May 16, "Day 78", of the 90-day session. 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. Senators can filibuster a bill for eight hours on General File before a "cloture" vote can be taken to end the filibuster with 33 of 49 Senators voting in the affirmative.

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**



*Sen. Lou Ann Linehan  
District 39*



*Sen. Eliot Bostar  
District 29*

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## State of Nebraska to hold broadband listening sessions

The State of Nebraska will be holding broadband listening sessions over the next few months. Below is the remaining schedule for the May sessions. More sessions will be scheduled throughout the state.

These sessions are very important for Nebraska so please attend and get the word out to as many local leaders as possible.

- Albion, May 15, 5:00 p.m., Cornerstone Bank, 240 S. 3rd Street
- Auburn, May 16, 5:00 p.m., Auburn Council Chambers, 1101 J. Street
- Wayne, May 17, 5:00 p.m., Wayne Community Activity Center, 901 W. 7th Street
- Hastings, May 24, 5:00 p.m., Hastings Public Library, 314 N. Denver Avenue
- Beatrice, May 30, 5:00 p.m., Southeast Community College, 4771 W. Scott Road
- Waverly, May 31, 5:00 p.m., Waverly Community Foundation Community Center, 1130 N. 141st Street

Click on this link to register: [https://forms.office.com/Pages/ResponsePage.aspx?id=3wcyBInm9kuQIAEDjxHwsYxYenlUWTIFki\\_ukmu32F1UNUVMWjVXOF-hRMTZaRVIKNFBLSc0TDVDVi4u](https://forms.office.com/Pages/ResponsePage.aspx?id=3wcyBInm9kuQIAEDjxHwsYxYenlUWTIFki_ukmu32F1UNUVMWjVXOF-hRMTZaRVIKNFBLSc0TDVDVi4u). Registration is not required to attend

Below are some issues that you might think about so that you can provide meaningful input to the process.

Would improved broadband/internet speeds be beneficial to local businesses or businesses that might locate in your community? Specific stories would be helpful.

Do local internet speeds meet the expectation of advertised and promoted internet speeds?

Are there locations in your community where the internet is very difficult to obtain or too costly to obtain?

Are local internet speeds adequate to support distance learning, telehealth, working at home and other applications? For agricultural locations, are local internet speeds adequate to support precision agriculture?

Why is high-speed internet access/broadband important to your community?

While approximately 10% of Nebraska households don't have any internet connectivity at home, approximately 22% additional Nebraska households have only home or mobile connectivity. How does having only home or only mobile connectivity limit a household's ability to access services (in particular municipal services) and participate in our increasingly digital society and economy?

Similarly, while approximately 7% of Nebraska

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#### TENTATIVE SCHEDULE OF COMMITTEE HEARINGS

The order of the bills listed may not be the order in which they are heard that day in committee.

**Thursday, May 18, 2023**

**Education  
Room 1525 - 12:00 p.m.**

Appointment

Buckendahl, Chad W. - Technical Advisory Committee for Statewide Assessment

**Mark your calendars  
for these League  
conferences:**

**Municipal Accounting &  
Finance Conference**

June 21-23

Cornhusker Marriott Hotel, Lincoln

**Annual Conference**

Sept. 27-29

Cornhusker Marriott Hotel, Lincoln

## LB 727

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**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 Revenue Committee members want to include in LB 727.

Thanks to Lincoln **Sen. Eliot Bostar** and other members of the Revenue Committee who voted on April 17 to include in the proposed amendments to the Standing Committee Amendments the **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.

**On May 11, the Legal Counsel for the Revenue Committee said the proposed amendments to the Standing Committee Amendments (AM1152) will not be available on the Legislature’s website until May 15.**

**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 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

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## Broadband

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households lack a digital device, nearly 14% of Nebraska households only have a mobile or larger screen device (such as a laptop, desktop or tablet computer). How does only having a mobile or larger screen device limit a household’s ability to access services (in particular municipal services) and participate in our increasingly digital society and economy?

Does your local library have an adequate broadband connection and

up-to-date computers for residents to use? Does the local library provide assistance to those who may lack technical skills?

The affordability of a high-speed internet connection is a significant barrier for many households. The [Affordable Connectivity Program](#) provides a discount of \$30 per month for internet connectivity for eligible households. Eligible households also can receive a one-time discount of \$100 to purchase a laptop, desktop computer or

tablet from participating providers. A household is eligible for the Affordable Connectivity Program if the household income is at or below 200% of the [Federal Poverty Guidelines](#) or if a member of the household meets the criteria for a number of assistance programs.

Has your municipality and/or local organizations engaged in efforts to increase awareness of the Affordable Connectivity Program? How could the program be better publicized? ■

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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 equals or exceeds \$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. ■