
Urban Affairs Committee

One Hundred Third Legislature
First Session 2013

Summary and Report of Legislation

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Introducer	Bill Number	One Line Description	Hearing Date	Executive Session Date	Amended	Status After Executive Session	Status After General File	Status After Select File	Status After Final Reading	Governor Signed
Ashford	LB48	Change provisions relating to housing agencies	1/22/2013	1/25/2013						
Ashford	LB49	Change provisions relating to housing agencies	1/22/2013	1/25/2013	Yes	Advanced to general file	Amended, advanced	Advanced	Returned to select file	N/A
McGill	LB87	Change procedures for filling certain airport authority board vacancies	1/22/2013	1/25/2013	No	Advanced to general file	Advanced	Advanced	Adopted 2/11/2013	2/15/2013
McGill	LB111	Authorize a city of the first or second class or village to adopt a biennial budget	1/22/2013	1/25/2013	No	Advanced to general file	Advanced	Amended with e-clause, advanced	Adopted 2/11/2013	2/15/2013
McGill	LB112	Change powers and duties of city and village clerks and treasurers as prescribed	1/22/2013	1/25/2013	No	Advanced to general file	Advanced	Advanced	Adopted 2/11/2013	2/15/2013
McGill	LB113	Provide for Mayors of cities of the second class to vote in certain situations	1/22/2013	1/25/2013	No	Advanced to general file	Advanced	Advanced	Adopted 2/11/2013	2/15/2013
Hadley	LB31	Change provisions relating to parking permits for temporarily handicapped or disabled persons	1/29/2013	2/5/2013	No	Advanced to general file	Advanced	Advanced	Adopted 3/14/2013	3/20/2013
Schilz	LB 66	Authorize cities of the first class to annex certain noncontiguous property	1/29/2013	4/10/2013	Yes	Amended, advanced to general file	Amended, advanced	Advanced	Adopted 5/23/2013	5/29/2013
McGill	LB88	Change zoning provisions for cities of the primary class	1/29/2013	2/5/2013	Yes	Amended, advanced to general file	Amended, advanced	Advanced	Adopted 3/14/2013	3/20/2013
Sullivan	LB295	Redefine a term under the Local Option Municipal Economic Development Act	1/29/2013	2/5/2013	No	Advanced to general file	Advanced	Advanced	Adopted 3/28/2013	4/3/2013

Lautenbaugh	LB591	Change civil service commission membership	2/5/2013	No						
Nordquist	LB633	Include contract violations under disciplinary provisions of Civil Service Act	2/5/2013	No						
Davis	LB643	Change certain provisions regarding nuisances in cities and villages	2/5/2013	2/22/2013	No	Advanced to general file	Consent calendar, advanced	Advanced	Adopted 5/1/2013	5/7/2013
Johnson	LB377	Change provisions relating to annexation of a county road by a city or village	2/5/2013	2/13/2013	No	Advanced to general file	Consent calendar, advanced	Advanced	Adopted 5/1/2013	5/7/2013
McGill	LB404	Change State Natural Gas Regulation Act provisions relating to infrastructure system replacement cost recovery charges	2/12/2013	3/12/2013	No					
Adams	LR 29 CA	Constitutional Amendment to change provisions relating to redevelopment projects	2/12/2013	2/13/2013	Yes, committee priority bill	Amended, advanced to general file				
Dubas	LB529	Change requirements for approval of redevelopment plans under the Community Development Law	2/12/2013	No						
Harr	LB208	Change provisions relating to metropolitan utilities districts	2/12/2013	2/13/2013	No	Advanced to general file	Consent calendar, amended and advanced	Advanced	Adopted 5/1/2013	5/7/2013

Passed Legislation

LB31 (Hadley): Change provisions relating to parking permits for temporarily handicapped or disabled persons.

Date of Public Hearing: 1/29/2013

Committee Amendment:

Other Amendments:

Approved by Governor: 3/20/2013

Bill Summary:

Section one of the bill amends §60-3,113.02 to establish that in the event a temporarily handicapped or disabled person needs to apply for a temporary handicapped parking permit, a medical professional shall submit a medical recommendation for the permit, and has the option to recommend that the permit be issued for either a three or a six month period. That recommendation is to be based on the estimated date of recovery.

Section two of the bill amends §60-3,113.05 to allow for a one time renewal of the temporary handicapped permit, for a similar three-month or six-month period as was the original permit. There must be a submission of an additional application with proof of the continuing handicap or disability.

LB66 (Schilz): Authorize cities of the first class to annex certain noncontiguous property.

Date of Public Hearing: 1/29/2013

Committee Amendment: AM784

Other Amendments:

Approved by Governor: 5/29/2013

Bill Summary:

Section one of the bill amends §16-117 to allow the annexation of any noncontiguous lands, lots or tracts that are owned by a city of the first class to this section which currently allows annexation of only contiguous or adjacent land, lots, tracts, streets, or highways by city ordinance.

Section one also adds a new subsection to §16-117 to allow any owner of property that is part of a redevelopment project area designated by a city of the first class to petition that such property be included within the corporate limits of the city if such annexation is for the purpose of implementing a lawfully adopted redevelopment plan and which will involve any construction or development of a commercial or industrial nature, even though the property is not contiguous or adjacent, or is not urban or suburban in character.

Section one also restricts a city's exercise of authority, not allowing the city to extend its jurisdiction beyond its corporate boundaries for the purposes of planning, zoning, or subdivision development without the agreement of any other city, village, or county currently exercising such jurisdiction over the area surrounding the noncontiguous annexed redevelopment project area. This new language also

states that the annexation of any noncontiguous land by a city shall not result in any change in the service area of any electric utility without an express agreement of the electric utility serving the annexed noncontiguous area at the time of the annexation. At the time the city annexes the intervening territory between the corporate boundaries of the city and the noncontiguous annexed portion, directly connecting the noncontiguous area and the main body of the city, the noncontiguous area shall be treated as if it had been annexed by the city on the date the connecting intervening territory is formally annexed.

Section two of the bill amends §16-120. This section of statute currently provides that the inhabitants of territories annexed by cities shall receive substantially the services of other inhabitants of the city as soon as practicable. The new language would provide an exception for a city of the first class that annexes noncontiguous land pursuant to §16-117 (above) to allow the city and the owner of the annexed property to negotiate and enter into an agreement to determine which city services will be provided to such property and when such services will be provided. The terms of this agreement are to be included within the city ordinance authorizing the annexation, and this section also provides that the inhabitants of territories annexed to a city of the first class shall be subject to the ordinances and regulations of the annexing city.

Section three of the bill amends §16-130 to allow the annexation of any noncontiguous lands, lots or tracts that are owned by a city of the first class.

This section also adds new language to create a subsection (3) which states that any owner of property which constitutes part of a redevelopment project area designated by a city of the first class, may petition that their property be included within the corporate limits of the city if the annexation is for the purpose of implementing a redevelopment plan, even though the property is not contiguous or adjacent, or urban or suburban in character.

This section further restricts the city from extending its jurisdiction beyond its corporate boundaries for purposes of zoning, planning, or subdivision development without the agreement of any other city, village, or county currently exercising such jurisdiction over the area surrounding the annexed redevelopment project area. The service area of the electric utility serving the noncontiguous annexed area again would not change without the express agreement of the electric utility serving that area at the time of the annexation, except that when the intervening territory between the noncontiguous annexed area and the main body of the city is annexed, the noncontiguous area shall be treated as if it had been annexed by the city on the date which the connecting intervening territory was formally annexed.

Comments/Analysis:

The committee amendment AM784 replaces the original bill.

Explanation of Amendments:

AM784 replaces the original bill, and creates a process whereby a city may use tax increment financing (TIF) outside of the city boundaries only in the limited instance of a formerly used defense site outside of the corporate limits of the city, but within the same county as the city. The area to be developed must

be inside of a sanitary improvement district (SID), and once the SID is formed, the city must file an ordinance declaring its intent to annex the formed SID. The city can then use TIF and create a redevelopment project.

The amendment preserves the currently existing service areas of electric utilities, natural gas utilities, and communications company service areas.

Noncontiguous annexation (or skip annexation) is removed entirely from the bill. A formerly used defense site is defined within the amendment as real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of Defense. It specifically states that a formerly used defense site does not include missile silos.

LB87 (McGill): Change procedures for filling certain airport authority board vacancies.

Date of Public Hearing: 1/22/2013

Committee Amendment:

Other Amendments:

Approved by Governor: 2/15/2013

Bill Summary:

LB87 amends §3-502 to modify the term of office when a vacancy is filled on a city airport authority for cities of the primary, first, and second class, and villages. Under current law, a vacancy appointment is made by the mayor and confirmed by the city council until the next election. LB87 provides that the appointment is for the entire remainder of the unexpired term.

Comments/Analysis:

Section one of the bill amends §3-502 to remove the language that makes the appointment to the airport authority board temporary and until a successor can be elected at the next general election. This will allow the vacancy on the board to be filled by the appointee for the remaining unexpired portion of the term.

LB88 (McGill): Change zoning provisions for cities of the primary class

Date of Public Hearing: 1/29/2013

Committee Amendment: AM137

Other Amendments: AM216 (Amendment to the Committee Amendment)

Approved by Governor: 3/20/2013

Bill Summary:

Currently, cities of the primary class are not permitted to regulate or inspect anything beyond electrical permits on farmsteads that are within the three mile extraterritorial zoning jurisdiction (ETJ)

surrounding the corporate limits of the city. A farmstead is defined in statute as property of twenty acres or more which produces one thousand dollars or more of farm products each year.

Comments/Analysis:

Section one of this bill amends §15-905 to remove the farmstead exception which would allow a city of the primary class to issue permits and inspect for all of the same items on farmsteads in the ETJ that the city currently issues permits and inspects for inside of the city boundaries, and on property less than 20 acres within the ETJ.

Explanation of amendments:

The amendment replaces the original bill. It retains the farmstead exception but changes the statutory language to allow the city council of a city of the primary class to decide whether buildings, dwellings, and other structures located on the farmsteads and used as residences will be subject to the city's permit requirements. The amendment also retains the definition of farmstead that had been stricken in the original bill.

LB111 (McGill): Authorize a city of the first or second class or village to adopt a biennial budget

Date of Public Hearing: 1/22/2013

Committee Amendment:

Other Amendments:

Approved by Governor: 2/15/2013

Bill Summary:

LB111 amends the Nebraska Budget Act to authorize cities of the first class, second class, and villages, to file biennial budgets with the State Auditor's office and the county clerk.

In 2000, the Legislature enacted LB1116, which authorized cities of the Metropolitan and Primary classes to adopt biennial budgeting if approved by the voters in those cities. LB111 would extend this authority to cities of all classes and villages.

Comments/Analysis:

Section one contains minor clean up language and includes new language in §13-503(10) and (11) to include cities of the first class, second class, and villages that adopt a biennial budget to the applicable definitions in this section. This gives the authority to adopt biennial budgets to cities of all classifications and villages in the state.

Sections two and three add language to include a biennial period as an option to §13-504 and 13-505 with respect to each governing body that is required to prepare proposed budget statements, including revenue from all sources, amount of cash reserve, estimated expenditures, and others as set forth on the forms prescribed and furnished by the auditor, which are currently required annually.

Section four requires that each governing body hold a public hearing on its proposed budget for either

an annual or biennial budget, pursuant to §13-506. Currently in this section, when the total operating budget, not including reserves, does not exceed ten thousand dollars per year, the proposed budget summary may be posted at the governing body's principal headquarters. Language is added to this section to allow for a budget that does not exceed twenty thousand dollars per biennial period for cities that adopt a biennial budget.

Section five amends §13-508 to allow each governing body to file a copy of the adopted budget statement with the state auditor on September 20 of the final year of a biennial period if the city or village adopts a biennial budget.

Section six adds the language “on or after the first day of its biennial period” for governing bodies to expend any balance of cash on hand for current expenses of the political subdivision, which is currently authorized for annual budgets by §13-509.01.

Explanation of Amendments:

AM98 added an emergency clause to this bill.

LB112 (McGill): Change powers and duties of city and village clerks and treasurers as prescribed

Date of Public Hearing: 1/22/2013

Committee Amendment:

Other Amendments:

Approved by Governor: 2/15/2013

Bill Summary:

LB112 transfers certain duties from a city clerk to a city treasurer in cities of the first class, second class, and villages. The duties relate to keeping records and reporting on the outstanding bonds of a city or village.

Additionally, LB112 expands the duties of the treasurer, to require the treasurer to prepare lists of all special assessments and collect all special assessments. Current law requires the treasurer to prepare only lists of paving and curbing tax.

LB112 also strikes “and school district” from §16-318. This language is outdated as city treasurers have not had authority over school districts for a number of years.

Comments/Analysis:

Section one amends Neb.Rev.Stat. §16-317 by striking the language which requires the city clerk from a city of the first class to keep a record of all outstanding bonds against the city and issuing an annual report of these bonds.

Section two amends §16-318 by adding new language which requires the treasurer's office in a city of the first class to keep the record and issue the annual report on all outstanding bonds against the city. It

also expands the city treasurer's duties to include all special assessment lists, from the current requirement of only keeping paving and curbing tax lists. This section also strikes the language “and school district” from the statute.

Section three removes the bond record and report requirement from the city clerk's office in a city of the second class and villages, by amending §17-605.

Section four amends §17-606 with similar language to section two of the bill, requiring the treasurer's office to keep the record and issue the annual report on all outstanding bonds against the city for cities of the second class and villages.

Section five of the bill amends §19-1101 to require the treasurer of each city of the first or second class or village to include in its annual statement of receipts and expenditures of funds for the proceeding fiscal year the information required by subsection 3 of §16-381 (section two of this bill) and subsection 2 of §17-606 (section four of this bill).

LB113 (McGill): Provide for Mayors of cities of the second class to vote in certain situations.

Date of Public Hearing: 1/22/2013

Committee Amendment:

Other Amendments:

Approved by Governor: 2/15/2013

Bill Summary:

LB 113 amends §§17-110 and 17-614 regarding when the mayor of a city of the second class can vote on an issue before the city council. Under current law, a mayor may vote when the council is evenly divided. LB 113 would authorize the mayor to vote when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the members elected to the council. This makes the voting authority of a mayor of a city of the second class consistent with that of the mayor of a city of the first class.

Comments/Analysis:

Section one of this bill changes the language of §17-110 to make clear that the mayor shall preside at all meetings of the city council of a city of the second class. It also adds new language to allow the mayor to provide the additional vote required to attain the number of votes equal to a majority of the number of members of the city council on any pending matter, legislation, or transaction. This is a change from the current law which allows a mayor to vote when the city council is equally divided on any issue.

Section two amends §17-614 by adding new language very similar to the new language in section one of the bill, allowing a mayor of a city of the second class to vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the council. It also states that for the purpose of such a vote, the mayor shall be deemed to be a member of the city council.

LB208 (Harr): Change provisions relating to metropolitan utilities districts

Date of Public Hearing: 2/12/2013, consent calendar bill

Committee Amendment:

Other Amendments:

Approved by Governor: 5/7/2013

Bill Summary:

Section one of the bill amends §14-2109 by striking language and eliminating the requirement that the Metropolitan Utilities District board obtain a bond of at least \$10,000 dollars. It further removes the language that prevented the board from decreasing the president's salary. It also changes the statutory limit on annual salary of any officer or employee of the Metropolitan Utilities District from ten thousand dollars to seventy-five thousand dollars, unless approved by a vote of two-thirds or more of the members of the board of directors.

Section two of the bill amends §14-2110 by removing the language “and whose name has been placed, by a unanimous vote of the full board of directors, upon the permanent employees list provided for in the rules adopted by the board”, and further removes language requiring a two thirds vote of the full board for removal from their position, and then only for cause. The removal of this language applies directly to how employees who have worked for MUD for more than one year are terminated or removed.

Section two also adds a new section, which would create a new procedure for the removal of a permanent employee for cause, which requires notice given in writing, which is to include findings of fact to support the removal for cause. It also provides for the employee to appeal the removal within ten days after receipt of the notice to a committee of three directors chosen by the board of directors. The committee would do a de novo review of the appeal and has the authority to grant the appeal with a two thirds vote of the committee.

Section three of the bill amends §14-2126 which strikes the requirement that regular fire hydrants be approximately four hundred feet apart within the municipality, and adds new language which allows the board of directors to adopt such rules for the placement and maintenance of the fire hydrants so long as the rules do not violate any rules and regulations adopted and promulgated by the Department of Health and Human Services.

Explanation of Amendments:

AM153 retains the requirement that compensation of employees exceeding ten thousand dollars be approved by a vote of two-thirds or more of the members of the board, and strikes the new language which would have raised the amount needing approval to seventy-five thousand dollars.

The amendment also removes all of the new language in section two of the bill, and reinstates the stricken language in lines 14 – 17 of the bill, thereby retaining the requirement of a two thirds vote of the board for removal of a full time employee who has been employed for more than one year.

LB295 (Sullivan): Redefine a term under the Local Option Municipal Economic Development Act.

Date of Public Hearing: 1/29/2013

Committee Amendment:

Other Amendments:

Approved by Governor: 4/3/2013

Bill Summary:

LB 295 adds relocation incentives for new residents to the list of activities that may be included in an economic development plan utilized by a city.

Comments/Analysis:

The bill amends §18-2705 by adding relocation incentives for new residents to the list of permissible activities that may be included in a local option municipal economic development plan (LB 840 plan).

LB377 (Johnson): Change provisions relating to annexation of a county road by a city or village.
Consent Calendar bill.

Date of Public Hearing: 2/5/2013

Committee Amendment:

Other Amendments:

Approved by Governor: 5/7/2013

Bill Summary:

LB 377 clarifies the status of county roads when they are annexed by a city or village.

Comments/Analysis:

Section one of the bill amends §39-1702 by adding a new subsection (4) which states that when a city or village annexes a county road, the powers that are granted to the county board in this section of statute and any recorded or prescriptive easement held by the county on the annexed property for road purposes are transferred to and may be exercised by the city or village.

This section also clarifies that an adjoining landowner to any land that has been acquired by the county for road purposes shall not be denied reasonable means of egress and ingress.

LB643 (Davis): Change certain provisions regarding nuisances in cities and villages. Consent calendar bill

Date of Public Hearing: 2/5/2013

Committee Amendment:

Other Amendments:

Approved by Governor: 5/7/2013

Bill Summary:

LB 643 is a bill that would allow first and second class cities and villages to determine at what height weeds and grasses become nuisances, and to determine the process to notify the property owner. The statutes currently set the height for weeds and grass as nuisances at twelve inches.

Comments/Analysis:

Section one amends §16-230 by changing what constitutes nuisance growth of weeds, grasses or worthless vegetation. Currently, the statute states any growth of twelve inches or more in height is the nuisance level, and LB 643 would amend this section to say “excessive growth”. It also adds new language requiring the city to establish by ordinance the height at which weeds, grasses, or worthless vegetation become a nuisance in cities of the first class.

This section also changes the method of notification given to owners of property to remove the above mentioned nuisances. Currently, the statute requires notification to be given to owners and occupants (if different) by personal service or certified mail, and if those methods are unsuccessful, by publication in a newspaper or posting notice on the lot upon which the nuisance is to be removed. This bill would change the notification process, requiring the city to establish a new method of notice by ordinance. It also allows for an owner or occupant to request a hearing to appeal the decision to remove the nuisance by filing a written appeal with the city clerk.

Additionally, section one of this bill strikes subsection (6) of this statute. This subsection had allowed a city of the first class to take action against a property with nuisance growth of weeds, grasses, or worthless vegetation when it had reached a height of 8 inches, if the city had previously taken action to remove such growth from that property within the calendar year.

Section two makes all the same provisions as stated above for cities of the second class and villages, by amending §17-563.

Legislation Carried Over to 2014

LB48 (Ashford): Change provisions relating to housing agencies.

Date of Public Hearing: 1/22/2013

Bill Summary:

LB 48 is a bill to require Housing Board members which represent cities to have specific areas of professional experience. The bill further prohibits any individual from holding political office and serving on the housing board.

Comments/Analysis:

Section one amends §71-1594 to change the requirements for a city of the metropolitan class when appointing members of the housing agency board. Currently, a chief elected official of a city with a local housing agency can appoint at least five and not more than seven members to the board. The changes to this section would require the chief elected official of a city of the metropolitan class to appoint at least five persons to the board. It also adds new language to restrict the chief elected official in cities of the metropolitan class to not appoint more than one resident of the same city council district to serve at the same time as a member of the board of a local housing agency created by the city. A restriction is also placed on county boards that elect members of the county board by district to not allow more than one resident of the same county board district to be appointed to the board of a housing authority created by that county.

Section two amends §71-1598 to change the language regarding housing agencies boards which have more than five members. It changes “seventh commissioner” to “additional commissioners” when discussing the length of terms served by such commissioners.

Section three amends §71-15,101 with respect to the qualifications for commissioner of the board of housing authority. It adds new language requiring a person serving as a commissioner of a local housing agency for a city of the metropolitan class or county to attain a commissioner's certification from the National Association of Housing and Redevelopment Officials, or equivalent certification from a nationally recognized professional association in the housing and redevelopment field, within twelve (12) months after the date of appointment or by December 31, 2014, whichever is later, or shall be deemed to have resigned his or her position.

Section four amends §71-15,102 to require that certain professional experience be held by members who are appointed commissioners to a board of a housing authority in a city of the metropolitan class. They include real estate development or management, accounting, banking or finance, real estate brokerages, chief executive officer of a for profit corporation or nonprofit agency, and law or business management. The same professional experience is listed for members to be appointed commissioners of a county housing authority board. This section also establishes that no elected official shall be a member of a housing authority in a city of the first or metropolitan class or a county.

Section five amends §71-15,103. It currently allows the governing body of a city to appoint one of its members to serve as one of the five commissioners on the board of the housing agency. This section

changes this to not allow cities of the first and metropolitan classes to appoint a member of their city council to serve on the housing agency.

Section six amends §71-15,140 to allow a housing agency to dispose of personal property left behind following any termination of lease or abandonment within twenty one days, instead of the currently required forty five days.

LB404 (McGill): Change State Natural Gas Regulation Act provisions relating to infrastructure system replacement cost recovery charges.

Date of Public Hearing: 2/12/2013

Bill Summary:

LB 404 would amend the State Natural Gas Act by removing the cap which currently prevents the utility company from charging more than fifty cents per month to residential customers over their base rates for any infrastructure system replacement cost recovery charges. It would also remove language that prevents any subsequent filing (a minimum of 12 months later) for any infrastructure system replacement cost recovery charge rate from increasing more than fifty cents per month per residential customer. Essentially, the law as it currently stands does not allow a natural gas company to charge more than 50 cents per month per residential customer for infrastructure system replacement cost recovery charge rates. This bill would remove this cap from the statute.

There are currently two caps in the statute for infrastructure system replacement cost recovery charges. The first is in Section 66-1865 and is not changed by LB 404. This first cap is a requirement that the public service commission shall not approve any infrastructure system replacement cost recovery charge rate schedules IF such schedules would produce total annualized infrastructure replacement cost revenue BELOW the lesser of one million dollars or one-half percent of the jurisdictional utility's base revenue level approved by the commission in the jurisdictional utility's most recent general rate proceeding. The commission is further prohibited from approving infrastructure system replacement cost recovery charge rate schedules if those rate schedules would produce total annualized infrastructure replacement cost revenue EXCEEDING ten percent of the jurisdictional utility's base revenue level approved by the commission in the most recent general rate proceeding.

The second cap is the monthly “not more than” fifty cent over base rate per customer charge discussed above that this bill is seeking to remove from §§66-1866 and 66-1867.

Comments/Analysis:

§66-1866 applies to applications for an infrastructure system replacement cost recovery charge by a jurisdictional utility whose last general rate filing was NOT the subject of negotiations with affected cities as provided for in 66-1838.

§66-1867 applies to applications for an infrastructure system replacement cost recovery charge by a jurisdictional utility whose last general rate filing WAS the subject of negotiations with affected cities

as provided for in 66-1838.

§66-1838 is the section of the Natural Gas Act that details all the provisions of general rate filings.

LB529 (Dubas): Change requirements for approval of redevelopment plans under the Community Development Law.

Date of Public Hearing: 2/12/2013

Bill Summary:

LB 529 proposes to establish a limit to the use of Tax Increment Financing (TIF) funding to 1.5% of the redevelopment project valuation, and the excess valuation to 5% of a city's total taxable valuation.

Comments/Analysis:

LB 529 amends §18-2116 by adding an additional element to the approval of a TIF redevelopment plan. Currently, a city may approve a redevelopment plan if the plan is feasible and in conformity with the general plan for the development of the city, and if the plan would not be economically feasible without the use of TIF dollars (the but-for test). The new section would require the city to ensure that the TIF project being considered would (I) not increase the total of all TIF projects within the city, including the one being considered, to exceed 1.5% of the total taxable value of the city, and (II) the current valuation for the taxable real property in ALL redevelopment projects in the city, except for the redevelopment project being considered, MINUS the redevelopment project valuation for ALL the TIF projects would not exceed five percent of the total taxable value of the city in the current tax year.

Currently, the only limitation on TIF projects is contained in §18-2103, which states "In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted."

LB591 (Lautenbaugh): Change Civil Service Commission membership

Date of Public Hearing: 2/5/2013

Bill Summary:

LB 591 makes adjustments to the length of the terms of office for members of Civil Service Commissions that contain five members. It also requires that one police officer, and in some cases one firefighter, to serve on the Civil Service Commission in Cities of the First Class.

Comments/Analysis:

Section one of the bill amends §19-1827 by inserting new language for the selection of members to serve on the Civil Service Commission. Subsection (b) establishes the way that members of commissions are to be selected, based on the size of the commission.

For three member commissions, two members shall be appointed by the appointing authority of the city and one member shall be a nonmanagement police officer elected by the sworn police officers of the city. If the city has a full time fire department, one of the three members shall be appointed by the appointing authority, one member shall be a police officer elected by the sworn police officers, and the third member shall be a nonmanagement firefighter elected by the firefighters.

For a five member commission, three members shall be appointed by the city and two members shall be nonmanagement police officers elected by the sworn police officers of the city. If the city has a full time fire department, then three members shall be appointed by the city, one member shall be nonmanagement police officer elected by the sworn police officers, and one member shall be a firefighter elected by the other firefighters of the city.

New language is also added regarding eligibility to be a civil service commissioner, requiring that a person must be either a resident of such municipality for at least three years immediately prior to their appointment to the commission or employed in a nonmanagement position in either the police department or fire department for three years preceding such appointment.

This bill also makes changes to the length of the term of office from five years to four years for members serving on five member commissions.

LB633 (Nordquist): Include contract violations under disciplinary provisions of Civil Service Act.

Date of Public Hearing: 2/5/2013

Bill Summary:

LB 633 allows full-time firefighters and full-time police officers subject to the Civil Service Act to bring grievances or appeals regarding contractual agreements before the Civil Service Commission.

Comments/Analysis:

Section one of the bill amends §19-1829 to include violations of contractual agreements

Section two of the bill amends §19-1833 by increasing the protections given to persons in the civil service from being removed, suspended, demoted or discharged, by including violations of any contractual agreement to the list of for cause reasons a police or fire chief can submit a written accusation against an individual.

This section of the bill also includes violation of any contractual agreement to the subsections that are dealing with notification and investigation of the accusations, and also the possible reinstatement of the accused due to the removal, suspension, discharge, or finding of violation of any contractual agreement not made in good faith for cause. This language is also added to subsection (5) with respect to an appeal to a district court by the accused or governing body to determine whether the judgment or order of removal, discharge, demotion, suspension, or finding of contractual violation was made in good faith

for cause.

LR29CA (Adams): Constitutional Amendment to change provisions relating to redevelopment projects.

Date of Public Hearing: 2/12/2013

Bill Summary:

LR 29 CA is a constitutional amendment to change certain elements of Tax Increment Financing.

Comments/Analysis:

Section one of the bill amends Article VIII, section 12 of the Nebraska Constitution by striking the language “substandard and blighted” and replacing it with “property in need of rehabilitation or redevelopment” in a redevelopment project.

It also changes the repayment period for bonds to a period of twenty years. The current repayment period is fifteen years.

Explanation of Amendments:

The committee voted to amend this bill to keep the repayment period for bonds to a period of 15 years. The bill was then voted on and placed on general file.

Indefinitely Postponed Legislation

LB49 (Ashford): Change provisions relating to housing agencies

Date of Public Hearing: 1/22/2013

Bill Summary:

LB 49 is a bill that would bring the Omaha Metropolitan Housing Authority and the Douglas County Housing Authority together to form a permanent regional housing authority with perpetual existence that may not be dissolved.

Comments/Analysis:

Section one of the bill amends §71-1576 to form an exception to the Housing Authorities Act for housing authorities established by a county which contains a city of the metropolitan class and a housing authority established by a city of the metropolitan class, which shall be subject to the provisions of §71-1581. Section 71-1576 currently establishes that any local housing authority established and in existence on January 1, 2000 shall have continued existence as a housing agency under the Nebraska Housing Agency Act. Section one of the bill makes housing authorities that are established by a county with a city of the metropolitan class or by a city of the metropolitan class subject to a different provision of law.

Section two of the bill amends §71-1577 to also create an exception as provided by §71-1581 for cities of the metropolitan class and counties which contain a city of the metropolitan class. The authority given to create a local housing agency in each city and county of the state which had not previously established a housing agency or authority would no longer include cities of the metropolitan class and counties which contain a city of the metropolitan class that are subject to the provisions in §71-1581.

Section three of the bill amends §71-1581 to give any city of the metropolitan class and county which contains a city of the metropolitan class the authority to establish a regional housing agency through adopting a joint resolution or ordinance. This section also adds new language to require any local housing authority or agency established by a county which contains a city of the metropolitan class or by a city of the metropolitan class prior to the effective date of this act shall become part of a regional housing agency by January 1, 2014.

Section four of the bill amends §71-1582 to provide that a regional housing agency in a county which contains a city of the metropolitan class shall have perpetual existence and may not be dissolved.

Section five of the bill amends §71-1586 to establish that a city of the metropolitan class and a county which contains a city of the metropolitan class cannot withdraw from participation in the regional housing authority or agency.

Committee Interim Study Resolutions

LR252 (Sullivan): Study to examine how amendments to the Local Option Municipal Economic Development Act affect existing economic development plans adopted under the act.

Hearing Date:

LR268 (Smith): Study to examine issues surrounding new residential and commercial development and school district boundaries in our state's urban areas.

Hearing Date: November 13, 2013

LR253 (Urban Affairs/McGill): Study to assess the impact of Nebraska changing to a home rule state in matters of local concern.

Hearing Date:

LR189 (Urban Affairs/McGill): Study to examine certain statutes to harmonize language, policies, and practices regarding the different classifications of cities and villages.

Hearing Date: N/A

LR190 (Urban Affairs/McGill): Study to examine the 2012 versions of the International Residential Code, the International Building Code, and the International Energy Conservation Code to determine whether Nebraska should update the current State Building Code.

Hearing Date:

LR318 (Mello): Study to examine issues relating to mass transit authorities

Hearing Date: November 15, 2013