

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB1003

Hearing Date: Tuesday February 18, 2020
Committee On: Urban Affairs
Introducer: Walz
One Liner: Provide annexation powers to cities of the second class and villages for relocation due to catastrophic flooding

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Arch, Briese, Crawford, Hansen, M., Hunt, Lowe, Wayne
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:
Senator Lynne Walz
Zachary Klein
Lynn Rex
Mary Baker

Representing:
Legislative District 15
Village of Winslow
League of Nebraska Municipalities
Self

Opponents:

Representing:

Neutral:
Jonathan Cannon

Representing:
Nebraska Association of County Officials

Summary of purpose and/or changes:

LB1003 would authorize cities of the second class and villages to annex noncontiguous land for the purpose of relocating part of all of the city or village due to catastrophic flooding. Any annexation of noncontiguous land under the bill would require a two-thirds vote of the city council or village board of trustees.

In the event of an annexation of noncontiguous land under the bill, the annexing city or village would not be eligible to exercise extraterritorial zoning jurisdiction over the area surrounding the newly-annexed area without the agreement of any other city, village, or county currently exercising zoning jurisdiction over the area.

Explanation of amendments:

AM2651 makes two changes to the underlying bill and incorporates the provisions of eight other municipal-related bills into the bill: LB795, LB799, LB801 (as amended by AM2142), LB821, LB885, LB957, LB984, and LB993 (as amended by AM2138).

The committee voted to adopt AM2651 on a 7-0 vote.

Changes to LB1003:

AM2651 adds a definition of "catastrophic flooding" and adds the emergency clause (only for the provisions of the underlying bill, LB1003).

LB795 would amend the Enterprise Zone Act to provide that unemployment criteria to determine eligibility for designation as an enterprise zone is based on an average rate of unemployment as determined by either the most recent federal decennial census or American Community Survey 5-year Estimate.

LB795 was previously advanced to General File by the committee on a 7-0 vote, and information on public hearing testifiers on the bill can be found on the committee statement for LB795.

LB799 is a clean-up bill for statutes governing cities of the primary class. The bill would amend sections of statute in Chapter 15 to make a variety of clean-up changes, including:

- Changing and correcting terminology;
- Changing subject-verb agreement;
- Clarifying references to cities' extraterritorial zoning jurisdiction (ETJ) or corporate limits;
- Clarifying references to legal newspapers;
- Correcting references to city officials;
- Correcting gender references;
- Correcting internal statutory references;
- Eliminating run-on sentences;
- Harmonizing references to other statutory sections within Chapter 15; and
- Replacing or eliminating antiquated, obsolete, or unnecessary language.

LB799 was previously advanced to General File by the committee on a 7-0 vote, and information on public hearing testifiers on the bill can be found on the committee statement for LB799.

LB801 (as amended by AM2142) would make a series of clean-up changes to the Community Development Law related to tax-increment financing (TIF), including:

- Further consolidating all TIF notice requirements into a single section of the Community Development Law and reorganizing the notice section for clarity;
- Clarifying that the annual TIF reports to the governing body are only required for active TIF projects within the municipality, not all TIF projects historically;
- Clarifying that language allowing the reimbursement of certain specified costs incurred prior to the approval of a redevelopment project does not require the reimbursement of legal fees related to such costs;
- Clarifying that additional requirements for TIF projects for the construction of workforce housing only apply if the project expressly carries out the construction of workforce housing;
- Clarifying that a municipality may not approve a redevelopment plan unless the governing body has declared the area substandard and blighted;
- Clarifying that a community development agency has the same powers as a community development authority;
- Providing a definition for "substantial modification", which is currently undefined; and
- Correcting a reference to redevelopment projects in the definition of community redevelopment area.

LB801 (as amended by AM2142) was previously advanced to General File by the committee on a 7-0 vote, and information on public hearing testifiers on the bill can be found on the committee statement for LB801.

LB821 would allow the planning commission for a city of the first class, city of the second class, or village to cancel a quarterly meeting if there is no business pending before the committee. Under the bill, no more than three quarterly

meetings of the planning commission may be cancelled in a single calendar year.

LB821 was previously advanced to General File by the committee on a 7-0 vote, and information on public hearing testifiers on the bill can be found on the committee statement for LB821.

LB885 would amend the Civic and Community Center Financing Act to change requirements for grants under the Act for the preservation, restoration, conversion, rehabilitation, or reuse of a historic building or district. Under the bill, an applicant must submit a notification of approval from the State Historic Preservation Officer with their grant application indicating that the work proposed in the application conforms to the United States Secretary of the Interior's Standards for the Treatment of Historic Properties in order to be eligible for grant consideration.

LB885 was previously advanced to General File by the committee on a 7-0 vote, and information on public hearing testifiers on the bill can be found on the committee statement for LB885.

LB957 would allow the mayor of a city of the first class or city of the second class to be deemed a member of the city council for purposes of establishing a quorum when the mayor's presence is necessary to establish a quorum. Under the bill, the mayor could only be deemed a member of the city council for purposes of establishing a quorum in cities where the city council consists of four members.

LB957 was previously advanced to General File by the committee on a 7-0 vote, and information on public hearing testifiers on the bill can be found on the committee statement for LB957.

LB984 would require that vacancies on certain municipally-appointed boards, authorities, and agencies be filled no later than six months after the date of the vacancy. Under the bill, vacancies on airport authority boards, metropolitan transit authority boards, land bank boards, riverfront development authority boards, and housing authority boards that are appointed must be filled no later than six months after the date of the vacancy.

LB984 was previously advanced to General File by the committee on a 4-0 vote with three members present not voting, and information on public hearing testifiers on the bill can be found on the committee statement for LB984.

LB993 (as amended by AM2138) would allow cities with a population between 10,000 and 25,000 under the City Manager Plan of Government Act to expand the size of their city council from five members to seven members and transfer relevant provisions to the City Manager Plan of Government Act.

LB993 (as amended by AM2138) was previously advanced to General File by the committee on a 7-0 vote, and information on public hearing testifiers on the bill can be found on the committee statement for LB993.

Provisions of the bills contained in AM2651 can be found in the following sections of the amendment:

LB1003 - Sections 171, 187, 189, 191

LB795 - Sections 2, 188

LB799 - Sections 5 through 168, 186, 188, 190

LB801 - Sections 172 through 179, 188

LB821 - Sections 181, 188

LB885 - Sections 3, 188

LB957 - Sections 169 through 170, 188

LB984 - Sections 1, 4, 182 through 183, 185, 188

LB993 - Sections 180, 184, 188

Justin Wayne, Chairperson